

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

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**TO:** All Councilmembers

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

**DATE:** March 6, 2018

**SUBJECT:** Bill 22-555, “Closing of a Public Alley in Square 221, S.O. 17-26363, Act of 2017”

The Committee of the Whole, to which Bill 22-555, the “Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017” (renamed by the Committee the “Closing of a Public Alley in Square 221, S.O. 17-26363, Act of 2017”) was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

On June 15, 2017, Bill 22-555, the Closing of Public Alley in Square 221, S.O. 17-26363, Act of 2017”, was introduced by Councilmember Jack Evans. Bill 22-555 would order the closing of a portion of the public alley system in Square 221, which is bounded by Pennsylvania Avenue, 15th Street, H Street, and Madison Place NW. This alley is located in Northwest Washington D.C. in Ward 2. The land area affected by this legislation is approximately 956.75 square feet. The applicant is Granite, LLC (the “Applicant”). The purpose of the alley closing is to facilitate a commercial redevelopment project that includes office space, a conference center, and a museum.

The alley proposed to be closed is an interior L-shaped alley that is accessible from Congress Street, Northeast that terminates into a dead-end. Under the development plan the closed alley system will be replaced with a 15-foot wide public access easement, consisting of 1,125 square

feet on the north side of the property. In fact, it is expected that this new public access easement will improve and enhance circulation within the eastern portion of the square. The existing alley will no longer be necessary for public alley purposes.

### ***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 22-555, all of the reviews have been completed without objection, but with conditions. D.C. Water and Sewer Authority (DC Water) requested an execution of an easement prior to the recordation of the plat. This easement would allow DC Water to provide continued maintenance and operation of two manholes and a catch basin located inside the alley area to be closed. The Applicant agreed to either grant the easement or cap and disconnect the referenced facilities, which would render the need for an easement unnecessary. Both DC Water and the Applicant agreed that either option would accommodate the stated conditions. Additionally, Bill 22-555 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.<sup>1</sup>

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

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<sup>1</sup> Memorandum from Tony L. Falwell, Asst. Chief Fire Marshal, to Roland F. Dreist Jr., District of Columbia Surveyor (October 10, 2017) (on file with the Committee).

at each end of a block or each entrance to an alley affected by the street or alley closing legislation.<sup>2</sup> The Applicant is required to give the Council certification of compliance with these requirements. Regarding Bill 22-555, 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 221***

The Project proposes to redevelop approximately 50,550 square feet for a commercial building and museum. The site consists of Lots 29 and 810 in Square 221, which is expected to be subdivided with a portion of a public alley system to be closed. The site is presently improved with a building known as the Riggs National Bank (the “Riggs Building”) and a building known as the American Security and Trust Company Building (the “AS&TC Building”). The site will be redeveloped with the Milken Museum and Conference Center, which will also include office space. New internal connections will link the structures, and a new atrium at the rear will facilitate connectivity. The proposed modifications to the two buildings have received concept approval from the Historic Preservations Review Board and the U.S. Commission of Fine Arts.

### ***Need for Alley Closure***

The alley to be closed within Square 221 is small dead-end stub alley that abuts the site. The east-west alley segment is 25-foot-wide by 38.5 feet long and in the southern portion of the square at the end of the alley, behind the former Riggs Building. It is a portion of this alley (956 square feet) that is proposed to be closed, which is approximately 5.3% of the total land area of the site.

The segment to be closed, will facilitate the redevelopment of the site and is no longer needed for alley purposes. Therefore, the Committee recommends approval of Bill 22-555.

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## II. LEGISLATIVE CHRONOLOGY

- November 1, 2017 Bill 22-555, the “Closing of a Public Alley in Square 0221, S.O. 17-26363, Act of 2017” is introduced by Chairman Mendelson at the request of the Mayor.
- November 7, 2017 The referral of Bill 22-555 to the Committee of the Whole is official.
- November 10, 2017 Notice of Intent to Act on Bill 22-555 is published in the *District of Columbia Register*.
- January 12, 2018 Notice of a Public Hearing on Bill 22-555 is published in the *District of Columbia Register*.
- February 1, 2018 The Committee of the Whole holds a public hearing on Bill 22-555.
- March 6, 2018 The Committee of the Whole marks-up Bill 22-555.

## III. POSITION OF THE EXECUTIVE

Roland Driest, the Surveyor for the District of Columbia, presented the Executive Branch testimony in support of Bill 22-555. His testimony is summarized below.

## IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter dated April 21, 2017, ANC 2B approved a resolution, by a unanimous vote of 9-0-0, in support of the closure of a portion of the alley in Square 221. The letter is attached to this report.

## V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

In a letter dated October 5, 2017, the Executive Director of the National Capital Planning Commission (“NCPC”) stated that the proposed alley closing in Square 221 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 22-555, on February 1, 2018. The testimony summarized below is from that hearing specific to Bill 22-555. Copies of written testimony are attached to this report.

***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.

***Kevin Dunmire, Akridge*** testified on behalf of the Applicant, in support of the bill.

***Mark Gilliland, Shalom Baranes Associates Architects*** testified on behalf of the Applicant in support of the bill.

***Jami Milanovich, Wells + Associates*** testified on behalf of the Applicant in support of the bill.

***Norman Glasgow, Jr., Holland and Knight*** testified on behalf of the Applicant in support of the bill. Ms. Batties promised to follow up with DC Water and Washington Gas on any outstanding comments or follow-up.

## VII. IMPACT ON EXISTING LAW

Bill 22-555 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 22-555, the Committee finds that the requirements of the Act have been satisfied.<sup>3</sup>

## VIII. FISCAL IMPACT

The attached February 14, 2018 fiscal impact statement states that funds are sufficient in the FY 2018 through FY 2021 budget and financial plan to implement Bill 22-555. The statement also notes that Bill 22-555 “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 \$716,230.00.

## 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.

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<sup>3</sup> D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2016).

(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 22-555, including a non-restrictive 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.<sup>4</sup>

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 22-555 as introduced (without attachments)
2. Statement of the applicant
3. Written Testimony and comments
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 22-555
7. Legal Sufficiency Determination for Bill 22-555
8. Committee Print for Bill 22-555

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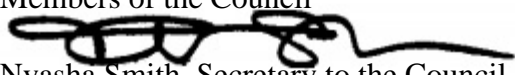
<sup>4</sup> *Supra* note 18.

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

Memorandum

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To : Members of the Council

From :   
Nyasha Smith, Secretary to the Council

Date : 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 Jack Evans

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To order the closing of a portion of a public alley system in Square 221, abutting Lots 810 and 800 bounded Pennsylvania Avenue, 15th Street, H Street, and Madison Place, in northwest Washington, DC, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017".

Sec. 2. Pursuant to Section 201 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 §9-202.01), the Council of the District of Columbia finds the portion of the public alley system in Square 221, as shown on the Surveyor's plat in S.O. 17-26363, 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 in section 2 of this act is contingent satisfying all conditions in the official file for S.O. 17-26363.

Sec. 4. The Secretary of the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor of the District of Columbia and the Office of the Recorder of Deeds.



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

4           Sec. 6. This act shall take effect upon its approval by the Mayor (or in the event of veto  
5 by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional  
6 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved  
7 December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1) and publication in the  
8 District of Columbia Register.

# Holland & Knight

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Norman M. Glasgow, Jr.  
202.419.2460  
Norman.glasgowjr@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 221: Bill No. 22-0555

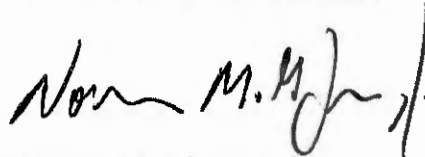
Dear Sydney:

Enclosed please find fifteen copies of a statement with exhibits in support of the Bill 22-0555 (Closing of a Public Alley in Square 221, S.O. 17-26363, 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



Norman M. Glasgow, Jr.

Enclosures

cc: Ruth Werner, Councilmember Evans'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 Granite LLC  
Owner of Property in Square 221

Closing of a Portion of a Public Alley  
System in Square 221, S.O. 17-26363  
Bill 22-0555

**STATEMENT OF THE APPLICANT**

**I.  
Introduction**

Granite LLC (the "Applicant") hereby requests the closing of a portion of a public alley system in Square 221 pursuant to D.C. Code, Section 9-202.01, *et seq.* Bill 22-0555, a copy of which is attached as Exhibit A, was introduced by Councilmember Evans to effectuate the proposed alley closing. The proposed alley to be closed is a dead-end, stub alley that only provides access to, and is surrounded by, property owned or controlled by the Applicant. The Applicant has provided to DDOT a loading management plan for the proposed development at the subject property. This alley closing is necessary to allow for the establishment of the Milken Museum and Conference Center (the "Project"). A copy of the draft alley closing plat showing the portion of the alley to be closed is attached hereto as Exhibit B. As described herein, the alley to be closed is not necessary for alley purposes.

**II.  
Background and Proposed Development**

The proposed development site is located in Square 221. Square 221 is bounded by H Street to the north, 15th Street to the east, Pennsylvania Avenue to the south, and Madison Place to the west, all located in the northwest quadrant of the District of Columbia. The site to be developed consists of Lots 29 and 810 in Square 221, which will be subdivided with the portion of a public

alley system to be closed (the "Site"). The land area of the Site is approximately 18,040 square feet.

The Site is presently improved with a building known as the Riggs National Bank (the "Riggs Building") and a building known as the American Security and Trust Company Building (the "AS&TC Building"). The Site will be redeveloped with the Milken Museum and Conference Center, which will also include museum support space and offices. The proposed building contains approximately 50,550 square feet of gross floor area (2.82 FAR), whereas the FAR limitation for the Site is 6.0 pursuant to 11-I DCMR § 200.2. In addition, the building has a maximum building height of 79 feet and contains no rear yard. The building will contain office space for individuals associated with the museum, as well as the Milken Institute, which is a nonprofit, nonpartisan think tank determined to increase global prosperity by advancing collaborative solutions that widen access to capital, create jobs and improve health. New internal connections will connect the structures, and a new atrium at the rear will enhance and facilitate connectivity. The proposed modifications to the buildings have received concept approval from the Historic Preservation Review Board ("HPRB") and US Commission of Fine Arts.

To allow the Project to move forward, a small dead-end, stub alley must be closed. The alley to be closed contains approximately 956.75 square feet of land area, which is approximately 5.3% of the total land area of the Site. As shown in the plans and drawings attached hereto as Exhibit C, the existing north-south public alley is accessed from H Street, N.W. However, the portion of the alley to be closed is only used to access lots in Square 221 that are owned or controlled by the Applicant.

**III.**  
**Review by District Agencies and Utilities**

The proposed alley closing has been reviewed in detail by the affected District of Columbia agencies and utility providers. The Applicant has worked closely with all of these agencies and utility providers on the proposed alley closing and all have approved the application, with the exception of DC Water. Copies of the agency and utility provider reports are attached as Exhibits D through G. The District Department of Transportation (DDOT) requested that the Applicant provide (i) revised truck turning movements; (ii) a revised loading management plan; and (iii) written correspondence from the gate access manager that deliveries to the proposed development shall have vehicular access to the alley. The Applicant submitted the requested information to DDOT via letter dated October 3, 2017. DDOT's supplemental report dated October 10, 2017 confirmed that the Applicant provided the requested information and that DDOT has no objection to the alley closure. A copy of DDOT's Reports and the Applicant's response is attached as Exhibit D.

In DC Water's letter dated July 28, 2017, DC Water identified facilities which must be maintained for the public good and stated that the Applicant must execute an easement that allows for the continued operation and maintenance of these facilities. A copy of DC Water letter is attached as Exhibit H. The Applicant agrees to this condition and will execute an easement with DC Water to allow for the continued operation and maintenance of the facilities outlined in it July 28, 2017, understanding that the easement terminates when the facilities no longer provide water or sewer services to any properties.

Finally, the National Capital Planning Commission submitted a report stating that the proposed alley closing "would not be inconsistent with the Comprehensive Plan for the National Capital" (Exhibit I).

Based on the above-mentioned recommendations of the District agencies, and the utility providers that have expressed no objection to the application, the Applicant submits that the portion of the alley proposed to be closed is not necessary for public alley purposes, and that the proposed alley closing will have no adverse impacts on transportation conditions within the surrounding area.

**IV.**  
**Work with the Community**

The Applicant has worked with Advisory Neighborhood Commission 2B (the "ANC") to review the proposed alley closing. At its duly noticed and regularly scheduled meeting of April 21, 2017, the ANC voted unanimously to support the alley closing application. A copy of the ANC 2B's letter in support is attached as Exhibit J.

**V.**  
**Compliance with the Comprehensive Plan**

The Future Land Use Map of the Comprehensive Plan identifies the Site as being in the High Density Commercial land use category (Exhibit K). According to the Framework Element of the Comprehensive Plan, the High Density Commercial land use category defines the central employment district of the city and other major office employment centers on the perimeter of downtown. These areas are characterized by office and mixed office/retail buildings greater than eight stories with lower scale buildings (including historic buildings) interspersed.

The Comprehensive Plan Generalized Policy Map identifies the Site as being in Central Washington Element and within the District's Central Employment Area (CEA), which is considered the business and retail heart of the District and the metropolitan area (Exhibit L). The Generalized Policy Map identifies areas as parks and open space, federal lands, Downtown Washington, and major institutional land uses. The fact that these areas are not designated as

Conservation, Enhancement, or Change does not mean they are exempt from the policies of the Comprehensive Plan or will remain static. Downtown areas of the District include their own set of conservation, enhancement, and change areas, described in more detail in the Central Washington Area Element. 10A DCMR § 223.22.

A. Compliance with the Citywide Elements of the Comprehensive Plan

The Project is consistent with the policies of the Citywide Elements of the Comprehensive Plan, and will advance many of the District’s planning goals, including, but no limited to, the following:

1. Land Use Element

The alley closing application and associated project is consistent with the following policies of the Land Use Element of the Comprehensive Plan:

- *Policy LU-1.1: Strengthening the Core* – Key to the Comprehensive Plan is transformation of the city’s core, which encompasses the Central Washington area. The proposed redevelopment of the Site will further this goal through the provision of an additional museum in a heavily trafficked area of the District. As a result, the Project will help create a “living downtown”.
- *Policy LU-1.1.1: Sustaining a Strong City Center* – The Project will provide for the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural, and residential center since it includes a new museum and associated office space.
- *Policy LU-1.1.6: Central Employment Area Historic Resource* – The Project includes the preservation and adaptive reuse of two Historic Landmarks, the Riggs Building and the AS&TC Building.

- *Policy LU-2.2.7: Alley Closings* – The Comprehensive Plan discourages 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 services areas for trash collection. Given the current alley configuration within the Square, the closing of this portion of the alley will not impact the internal circulation within the Square, and thus, it is not necessary for alley purposes. No properties in the square are accessed via the portion of the alley to be closed.

## 2. Urban Design Element

The alley closing application and the Project will further a number of the policies of the Urban Design Element and help address some of the most important urban design issues facing the District. The urban design policies that are particularly applicable to this proposal include the following:

- *Policy UD-1.1.2: Reinforcing the L’Enfant and McMillan Plans* – The Project will not result in the closure of any streets, and the portion of the alley to be closed is not associated with any vistas or viewsheds. The Project will result in a development that adheres to established rights-of way, and reinforces the District’s unique character as embodied in the L’Enfant and McMillan Plans.
- *Policy UD-1.1.3: Siting of Museums, Monuments, and Memorials* – The Applicant has coordinated with NCPC and the Commission of Fine Arts (CFA) in the siting and planning of the proposed museum.



- *Policy UD-1.4.1: Avenue/Boulevards and Urban Form* – This policy promotes the use of Washington’s major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. The Project is consistent with this policy since it includes the adaptive reuse of two historic landmarks that add to the architectural character of Pennsylvania Avenue and 15<sup>th</sup> Street, NW. In addition, the quality of the surrounding public realm will be substantially improved through the reconstruction of the surrounding streetscape.

### 3. Historic Preservation

The alley closing application and the Project will further a number of the policies of the Historic Preservation Element, including the following:

- *Policy HP-2.4.1: Rehabilitation of Historic Structures* – The Project includes the preservation and adaptive reuse of two Historic Landmarks, the Riggs Building and the AS&TC Building.

#### B. Consistency with the Central Washington Area Element

Finally, the Site is located within the Central Washington Area Element of the Comprehensive Plan which is the “heart of the District of Columbia...” and includes the “monumental core.” 10A DCMR § 1600.1. Downtown areas of the District should be authentic and should be expressed “through its appreciation and celebration of its history, culture and heritage. Thus, a priority should be placed on the preservation of buildings, places and uses which express these qualities.” 10A DCMR § 1607.2(b). The proposed alley closing will advance these

policies by facilitating the adaptive reuse of the Site as a museum and conference center. The Project specifically advances the following policies of the Central Washington Area Element:

- *Policy CW-1.1.7: Central Washington Arts and Entertainment Uses* – This Policy specifically encourages retaining, enhancing, and expanding Central Washington’s arts and entertainment uses, including theaters, cinemas, galleries, studios, museums, and related services. The addition of a new museum will complement the existing cultural institutions already in the vicinity of the Site.
- *Policy CW-1.2.2: Preservation of Central Washington’s Historic Resources; and Policy CW-1.1.12: Reinforcing Central Washington’s Characteristic Design Features* - The Project includes the preservation and adaptive reuse of two Historic Landmarks, the Riggs Building and the AS&TC Building.

## 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 proposed alley to be closed is a dead-end, stub alley and does not provide access to any property except property that is either owned or controlled by the Applicant. The Applicant provided, and DDOT accepted, as loading management plan for the Project. Accordingly, the portion of the alley system to be closed is no longer necessary for alley purposes.

B. The Proposed Closing Implements District Planning Objectives

The proposed closure is necessary to allow the construction of the Project. As discussed above, the proposed development is consistent with the Comprehensive Plan's designation for the Site, as confirmed in the reports submitted by the Office of Planning and NCPC. The redevelopment of the Site with the Milken Museum and Conference Center will provide additional uses that are compatible with the uses surrounding the Site. Furthermore, as stated previously, the alley closing application has been reviewed in detail by various District of Columbia agencies and public utilities, and these agencies and utilities have all indicated no objection to the proposed alley closing.

**VII.**  
**Witnesses**

1. Kevin Dunmire, Akridge  
on behalf of Granite LLC  
601 13th St NW  
Washington, DC 20005
  
2. Mark Gilliland, FAIA  
Shalom Baranes Associates Architects  
1010 Wisconsin Avenue, NW, Suite 900  
Washington, DC 20007
  
3. Jami Milanovich  
Wells + Associates  
1420 Spring Hill Road, Suite 610  
Tysons, VA 22102

**VIII.**  
**Exhibits**

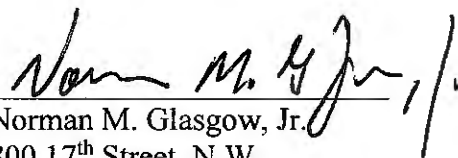
- Exhibit A:** Bill 22-0555
- Exhibit B:** Draft alley closing plat
- Exhibit C:** Plans and elevations
- Exhibit D:** Reports from District Department of Transportation and the Applicant's Response
- Exhibit E:** Report from the Office of Planning
- Exhibit F:** Reports from other District agencies (Historic Preservation Office; Department of Public Works, Solid Waste Management Administration; Fire and Emergency Medical Services Department; and Department of Housing and Community Development)
- Exhibit G:** Reports from utility providers (Washington Gas, PEPCO, and Verizon)
- Exhibit H:** Report from DC Water
- Exhibit I:** Report from the National Capital Planning Commission
- Exhibit J:** Letter of support from Advisory Neighborhood Commission 2B
- Exhibit K:** Relevant portion of the Future Land Use Map of the Comprehensive Plan
- Exhibit L:** Relevant portion of the Generalized Policy Map of the Comprehensive Plan
- Exhibit M:** Outline of testimony of Kevin Dunmire on behalf of Granite LLC
- Exhibit N:** Outline of testimony and resume of Mark Gilliland, FAIA, Shalom Baranes Associates Architects
- Exhibit O:** Outline of testimony and resume of Jami Milanovich, Wells + Associates
- Exhibit P:** Affidavit of Notice

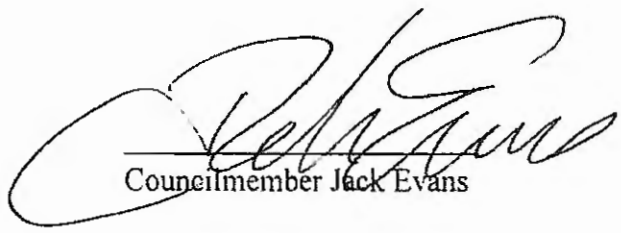
**IX.**  
**Conclusion**

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

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Norman M. Glasgow, Jr.  
800 17<sup>th</sup> Street, N.W.  
Suite 1100  
Washington, DC 20006

  
Councilmember Jack Evans

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To order the closing of a portion of a public alley system in Square 221, abutting Lots 810 and 800 bounded Pennsylvania Avenue, 15th Street, H Street, and Madison Place, in northwest Washington, DC, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017".

Sec. 2. Pursuant to Section 201 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 §9-202.01), the Council of the District of Columbia finds the portion of the public alley system in Square 221, as shown on the Surveyor's plat in S.O. 17-26363, 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 in section 2 of this act is contingent satisfying all conditions in the official file for S.O. 17-26363.

Sec. 4. The Secretary of the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor of the District of Columbia and the Office of the Recorder of Deeds.



Entrance to alley from H Street with gate and guard.



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

4           Sec. 6. This act shall take effect upon its approval by the Mayor (or in the event of veto  
5 by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional  
6 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved  
7 December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1) and publication in the  
8 District of Columbia Register.

# PUBLIC ALLEY CLOSED SQUARE 221

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

OFFICE OF THE SURVEYOR, D.C.

\_\_\_\_\_, 2017

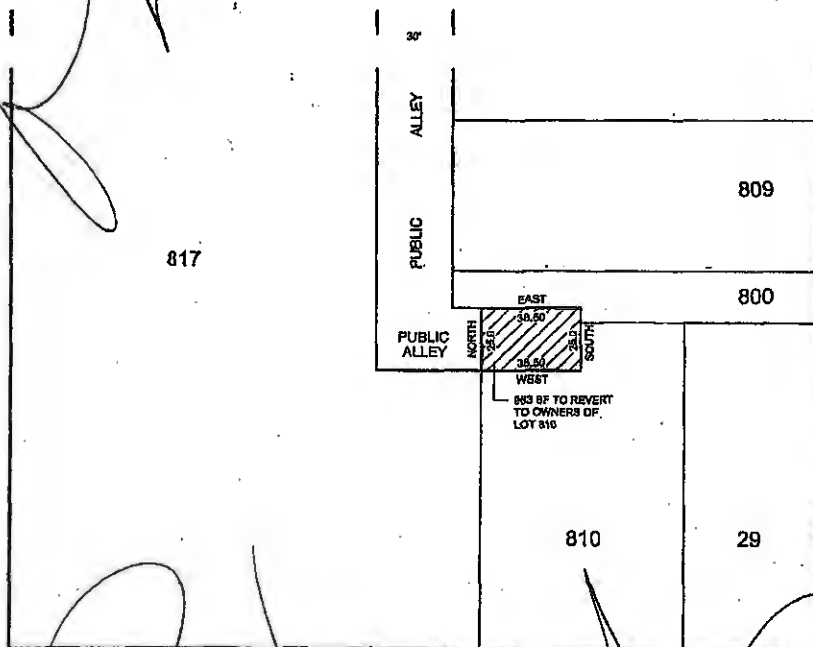
I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

\_\_\_\_\_  
SURVEYOR, D.C.

MADISON PLACE, N.W.

15th STREET, N.W.

PENNSYLVANIA AVENUE, N.W.



SURVEYOR'S OFFICE, D.C.

by: HOLLAND & KNIGHT / N. GLASGOW

by: L.E.S. Checked by: *WMA*

and computations by: *S. MYERS*

dated:

Record in Book \_\_\_\_\_ Page \_\_\_\_\_ SR-17-06804

1 inch = 30 feet

File No. 17-25383

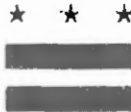
ALLEY CLOSING/SR-17-06804-SQ 221

Exhibit C

Architectural Drawings

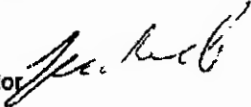
Attached Separately

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION**



**(1. Planning and Sustainability Division**

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

**From:** Jim Sebastian   
Associate Director

**Date:** October 10, 2017

**Subject:** S.O. No. 17-26363 – Closing of a portion of public alley in Square 221

---

**Overview**

Granite LLC (the Applicant) seeks approval to close a 956.75 square foot segment of alley (38.5 feet x 20 feet) within an existing public alley system. The subject alley is located in Square 221 adjacent to Lots 800 and 810 (Property) owned by the Applicant.

**Background**

The District Department of Transportation (DDOT) submitted a report September 8, 2017, for the proposed closure of a portion of the alley located in Square 221 adjacent to Lots 800 and 810. DDOT objected and recommended that the following conditions be met:

1. The Zoning Commission and the Board of Zoning Adjustment issue all relief necessary to proceed with the development of the Milken Museum, as planned;
2. The Applicant provides revised truck turning movement drawings and building plans showing:
  - a. Loading docks(s) are designed to accommodate truck deliveries of up to 30 feet with sufficient clearance; and
  - b. Truck turning movements without the dumpster or permitted parking, showing the feasibility of maneuvering 30 foot trucks through the alley and into the loading docks.
3. The Applicant provides written concurrence from the gate access manager that deliveries to the proposed development shall have vehicular access to the alley (along with any restrictions that may accompany that access).

**Analysis and Recommendation**

The Applicant submitted documentation on September 29, 2017. The documentation included revised truck turning movements but noted that the building will not include loading docks, as these docks are not required.

by zoning due to the historic nature of the building and the limited expansion of gross floor area. Instead, DDOT recognizes that trucks will load from the alley alongside the building (using front-in, front-out movements to and from the alley). DDOT requested that the Applicant submit a revised loading plan, as the original loading plan submitted as part of their Surveyor's Order assumed an internal loading berth. The Applicant submitted a revised loading plan on October 4, 2017, which DDOT supports.

The documentation submitted by the Applicant further includes a letter from the United States Court of Appeals for the Federal Circuit (the gate access manager) that certifies access to the public alley.

Finally, the Applicant is requesting a variance from the Board of Zoning Adjustment via a hearing on October 25, 2017. DDOT has no objection to the requested variance.

Therefore, DDOT has no objections to the alley closure.

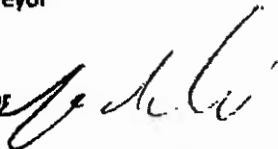
JS:hp

**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: September 8, 2017

Subject: S.O. No. 17-26363 – Closing of a portion of public alley in Square 221

---

**Overview**

Granite LLC (the Applicant) seeks approval to close a 956.75 square foot segment of alley (38.5 feet x 20 feet) within an existing public alley system. The subject alley is located in Square 221 adjacent to Lots 800 and 810 (Property) owned by the Applicant.

**Development Proposal**

The Applicant is proposing to subdivide Lots 29, 810, and a portion of Lot 800 into a single record lot, upon which the Applicant proposes establishing a new "Milken Museum." The Applicant proposes to close a portion of an existing public alley as part of the new development. The proposed site plan and closed public alley are shown below in Figure 1.

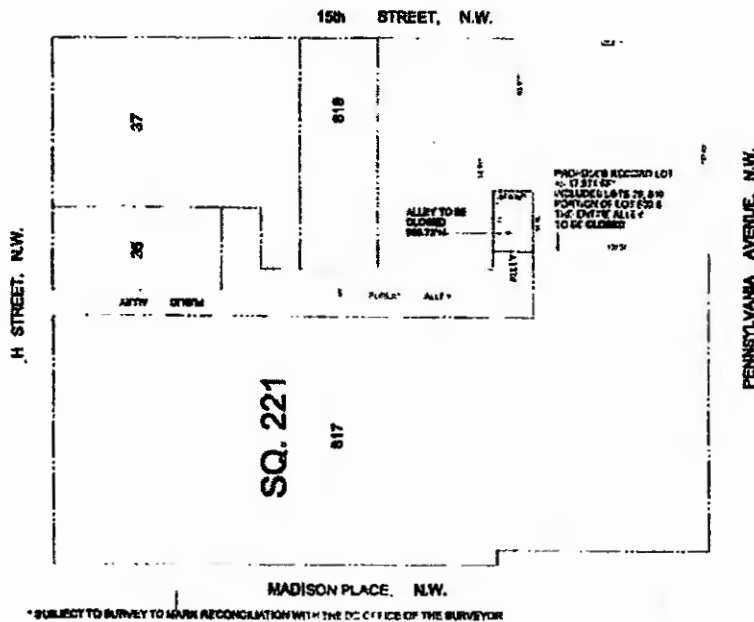


Figure 1 Proposed Site Plan

**Alley Operations**

The Applicant seeks to close a 956.75 square foot segment of the alley, which currently is a dead-end stub and surrounded on three sides by property owned by the Applicant (the fourth side is bordered by the public alley). The proposed alley closure is surrounded by lot 810 to the south and east and by lot 800 to the north. The portion of the alley to be closed is paved and used for vehicle parking (Figure 2).



Figure 2 Public Alley Conditions

Currently, the portion of the alley to be closed is part of a larger public alley system that has a single entry to the District's street network at H Street NW (between 15<sup>th</sup> St. and Madison Place NW). The alley is approximately 300 feet long and ranges in width from 16 to 30 feet. The alley provides loading access to the United States Treasury Annex, which maintains a covered loading dock and two loading berths at the southern end of the alley. For security reasons, access to the alley is restricted via a gate at H Street. The alley also provides access to a 19-space parking garage (in a building located at 1510 H St. NW) and loading for the buildings that currently occupy lots 800, 810, and 29. The Applicant notes that building loading currently occurs via handcart with delivery vehicles parking on H Street between the alley and 15<sup>th</sup> St. NW.

In the future, the Applicant anticipates no changes to loading activities for the Treasury Annex or the parking garage. The Applicant proposes to have loading occur via 23-foot vehicles that can make front-in, front-out movements into the alley from H Street and load at a proposed loading berth at the new building.

DDOT recognizes several conditions that impede loading operations in the alley. If these conditions are changed or mitigated, DDOT believes that the alley can operate more efficiently. DDOT will work with partner agencies to institute the following changes:

1. DDOT will work with the Department of Public Works to relocate or remove the dumpster currently in the alley, which will impede truck movements both to the Treasury Annex loading berths and to the proposed loading docks of the Applicant.
2. DDOT will remove the sign for "Permit Parking Only" located on the west side of the alley. Permit parking is not allowed in public alleys. This will ensure that parked vehicles do not impede truck movements.
3. DDOT will verify the conditions for the access (gate) restrictions for entry to the alley.

DDOT believes that with the removal of the dumpster and permit parking, all loading of trucks up to 30 feet in length can load in the alley (with potential to use designated loading docks). Therefore, DDOT will require, as a condition of this approval, that all loading occur in the alley to avoid conflicts with vehicular traffic on H Street.

DDOT recognizes that the closure of the alley does not change or worsen current loading conditions, but this closure and the new development provides an opportunity to improve these conditions.

#### **Loading Management**

DDOT requested a loading management plan to maintain a safe environment for all site users and reduce conflicts between alley users. The loading plan, provided to DDOT on February 15, 2017, includes the following elements:

1. Designated loading dock manager to schedule deliveries for the site and manage conflicts with neighbors;
2. Use the designated loading dock manager to manage access through the gate for all deliveries in trucks 30 feet or less;
3. Require deliveries to be scheduled outside of peak traffic periods (7:00 AM – 9:30 AM and 4 PM – 6:30 PM);
4. Encourage deliveries to use a truck of 30 feet or less; and
5. Schedule trucks 23 feet or smaller to use the loading dock and coordinate with adjacent buildings for loading from trucks larger than 23 feet.

#### **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, DDOT's



Design and Engineering Manual will serve as the main public realm references for the Applicant. DDOT staff will be available to provide additional guidance during the public space permitting process.

**DDOT Assets**

There are no DDOT assets currently in the alley segment.

**Recommendation**

DDOT objects to the alley closure identified in Figure 1 until the following conditions are met:

1. The Zoning Commission and the Board of Zoning Adjustment issue all relief necessary to proceed with the development of the Milken Museum, as planned;
2. The Applicant provides revised truck turning movement drawings and building plans showing:
  - a. Loading docks(s) are designed to accommodate truck deliveries of up to 30 feet with sufficient clearance; and
  - b. Truck turning movements without the dumpster or permitted parking, showing the feasibility of maneuvering 30 foot trucks through the alley and into the loading docks.
3. The Applicant provides written concurrence from the gate access manager that deliveries to the proposed development shall have vehicular access to the alley (along with any restrictions that may accompany that access).

JS:hp

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**National Courts Building  
717 Madison Place, N.W.  
Washington, D.C. 20439**

September 27, 2017

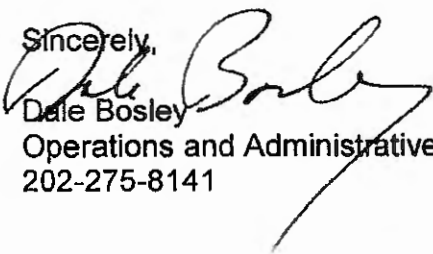
**Delivered By Hand and By E-Mail**

Kevin Dunmire  
Akridge  
601 13<sup>th</sup> St.  
Washington DC 20005

Dear Mr. Dunmire:

In response to your request and DDOT's memorandum dated September 8, 2017 (Re: S.O. No. 17-26363 – Closing a portion of the public alley in Square 221, the relevant part of which is enclosed), we concur with DDOT and I certify on behalf of National Courts that the applicant shall have access to the public alley adjacent to the east face of the National Courts Building (NCB), which alley is controlled by NCB security officers. Access will be provided upon request, 24 hours a day, 7 days per week by giving notice in person, by telephone or by email to the Court Security Officer Command Center (CC) located on the garage ramp at level 1B. A copy of the original DRAFT Memorandum of Agreement with bordering building representatives is enclosed for reference. While advance notice is preferred, urgent or immediate access also can be accommodated as needed. Please note that the alley serves all bordering buildings and tenants and is the principal delivery point for the US Treasury Annex, on whose behalf United States Secret Service Uniformed Division officers provide access assistance. The NCB CC can be reached by telephone at 202-275-8900 or -8911 and by email at CSO Command Center ([csocc@cafc.uscourts.gov](mailto:csocc@cafc.uscourts.gov)). (Please note that telephone numbers have changed since the MOA was written.) The Fire and EMS MOU is also enclosed.

Sincerely,

  
Dale Bosley  
Operations and Administrative Services  
202-275-8141

Enclosures

Design and Engineering Manual will serve as the main public realm references for the Applicant. DDOT staff will be available to provide additional guidance during the public space permitting process.

**DDOT Assets**

There are no DDOT assets currently in the alley segment.

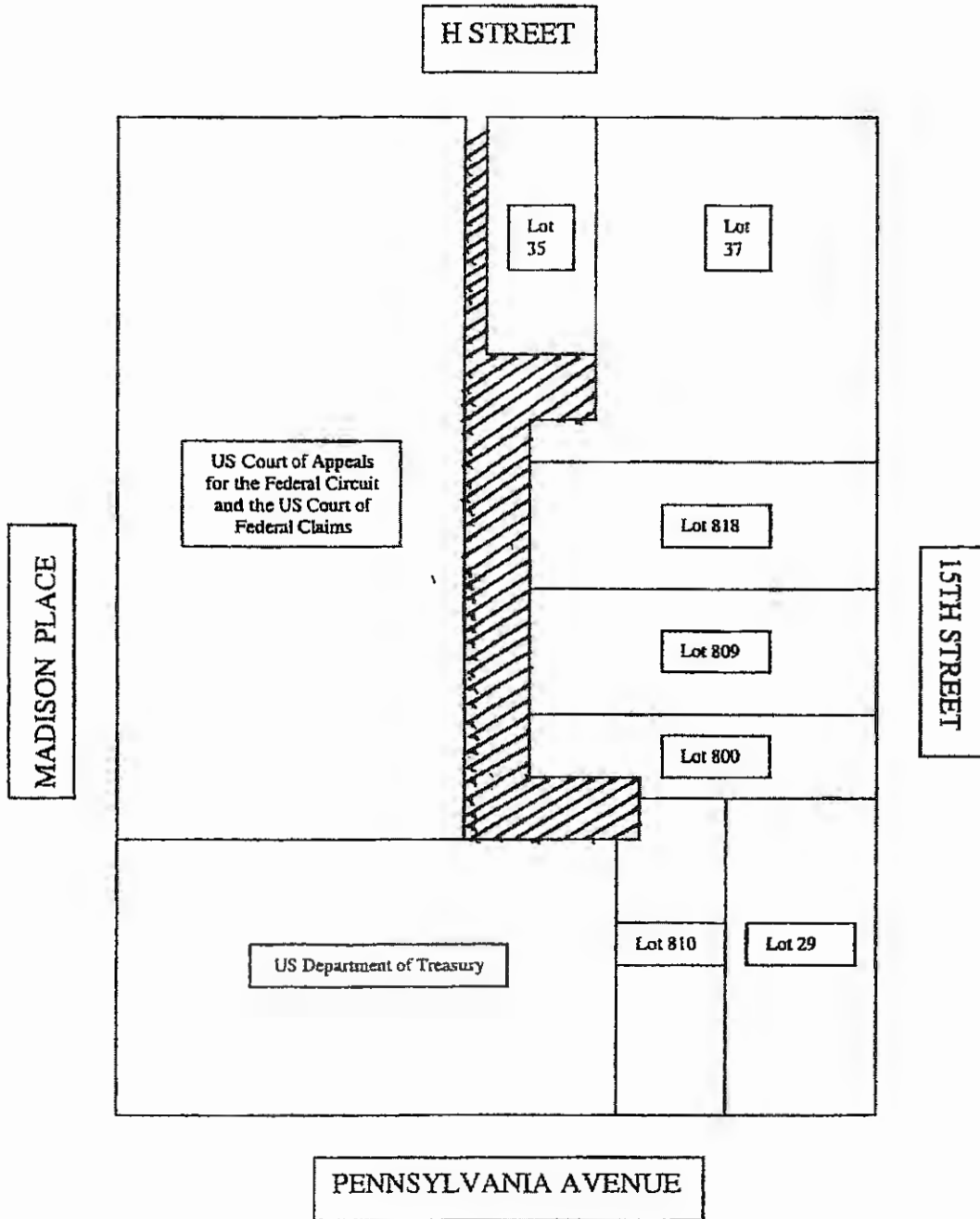
**Recommendation**


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1. The Zoning Commission and the Board of Zoning Adjustment issue all relief necessary to proceed with the development of the Milken Museum, as planned;
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  - a. Loading docks(s) are designed to accommodate truck deliveries of up to 30 feet with sufficient clearance; and
  - b. Truck turning movements without the dumpster or permitted parking, showing the feasibility of maneuvering 30 foot trucks through the alley and into the loading docks.
3. The Applicant provides written concurrence from the gate access manager that deliveries to the proposed development shall have vehicular access to the alley (along with any restrictions that may accompany that access).

JS:hp

SQUARE 221



 = ALLEY

**DRAFT**  
**MEMORANDUM OF AGREEMENT**  
**Control of Alley in Square 221**

This agreement will govern access to the alley located in Square 221 between 15<sup>th</sup> Street and Madison Place, NW, once owners (or their representatives) whose properties abut the alley have certified by signing the attached petition their interest in controlling access and their willingness to subscribe to the control procedures outlined below.

**Goal:** The goal of controlling the alley is to increase safety and security of buildings, organizations and people in Square 221 by restricting unauthorized access to the alley without inconveniencing authorized building services or the normal course of business.

**Access Procedures:** Trained security staff from the National Courts Building (NCB) will monitor and control access to the alley from H Street with the assistance of security equipment that may include cameras, annunciators, barriers, and access control points. Owners or property managers of each building abutting the alley will provide a regularly updated list in writing of current authorized vendors or service providers and the approximate frequency of visits (e.g. Crystal Springs Water, weekly; Ajax Construction Company, daily). Owners or property managers will also give advance notice (in writing whenever possible) of non-regular vendors or service providers (e.g. Clyde Dent Carpets, M-W), and contact information where an authorized owner's or property management representative can be reached both during regular working hours (7 AM–6 PM) and after regular hours. This contact information will enable NCB court security staff to verify that an unscheduled delivery or other visitor is legitimate and expected when advance notice is not timely provided or there are discrepancies in identifying information.

**Changes.** Any owner or owner's representative may propose changes to this MOA at any time. Changes will be incorporated and implemented upon agreement of a simple majority of signatories (or their representatives) to the attached petition.

**NCB Contacts.** Access lists and vendor notices should be provided to Mr. Mack Kennedy, Court Security Officer supervisor, tel. (202) 633-8327, Fax 633-5879. Questions regarding this MOA should be addressed to Dale Bosley, (202) 312-5517, or Ruth Butler, (202) 312-3464, Court of Appeals for the Federal Circuit, 717 Madison Place, NW, Washington, DC 20439.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
AND  
DISTRICT OF COLUMBIA FIRE AND EMS**

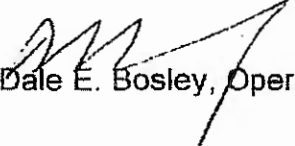
Subject: Access to Public Alley in Square 221, adjacent to National Courts Building (NCB), Washington, D.C. – S.O. 02-3519

The United States Court of Appeals for the Federal Circuit has proposed controlling the alley adjacent to its building by means of anti-ram vehicle barriers and a security checkpoint. When this control is established, District of Columbia (D.C.) Fire and EMS shall continue to have unrestricted access to the public alley in Square 221 via the entrance on H Street, N.W. to perform necessary training, maintenance, familiarization and emergency operations. Court Security Officers (CSOs) controlling access to the alley will admit marked D.C. Fire and EMS vehicles on sight, but will have authority to check identification of drivers in unmarked vehicles to ensure that they are in fact associated with D.C. Fire and EMS. Access will be available at any time, day or night. Because the security checkpoint at the entrance from H Street will normally be staffed only during regular work hours from about 7 AM to 6 PM Mondays through Fridays, access at other hours and on weekends and holidays may be delayed slightly while CSOs view a camera monitor in the NCB Command Post (which is inside the building) and remotely operate the vehicle barrier.

For expedited entry and to resolve questions the CSO Command Post may be contacted by telephone at any time at the following numbers:

(202) 633-8327  
(202) 219-9590

For The United States Court of Appeals for the Federal Circuit:

 16 December 2002  
Dale E. Bosley, Operations, (202) 312-5517

For D.C. Fire and EMS:



## WELLS + ASSOCIATES

### MEMORANDUM

To: Haley Peckett, DDOT

From: Jami L. Milanovich, P.E.

Copy: Kevin Dunmire, Akridge  
Emily Emrick, Shalom Baranes Associates

Re: Museum of the American Educator  
S.O. No. 17-26363  
Supplemental Transportation Memorandum

Date: October 3, 2017

1420 Spring Hill Road  
Suite 810  
Tysons, Virginia 22102  
703-917-6620  
703-917-0739 FAX  
www.mjwells.com

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As requested in your email dated today, the Applicant for the above-referenced project has updated its Loading Management Plan to reflect the fact that loading for the proposed redevelopment (which encompasses 730 15<sup>th</sup> Street, 1501 Pennsylvania Avenue and 1503 Pennsylvania Avenue NW) will take place from the alley in lieu of an internal loading berth. As indicated in the September 29, 2017 memorandum prepared by Shalom Baranes Associates, loading is not required for the project since the expansion of the historic structure will not result in a 50% increase in GFA and the planned loading area in the 730 building cannot accommodate internal loading due to special and structural limitations.

As a result, we have updated the loading management plan as follows:

- 1) A loading dock manager will be designated for the site (duties may be part of other duties assigned to the individual). He or she will coordinate with vendors and tenants, as well as other properties abutting the alley, to schedule deliveries and will be on duty from approximately 9:00 AM to 5:00 PM and will coordinate with the community and neighbors to resolve any conflicts should they arise.
- 2) All tenants will be required to schedule deliveries. Given the constraints of the alley system, vendors will be encouraged to use 30-foot trucks or smaller. In the rare case when a truck larger than 30-feet is needed, in accordance with DDOT policies, a temporary no parking zone would be established on an adjacent street to allow for curb side loading or unloading adjacent to the building. The dock manager will provide instructions so proper permits can be obtained from DDOT and Emergency No Parking signs issued. Alternatively, a nearby commercial loading zone would be

Transportation Consultants  
INNOVATION + SOLUTIONS



## **WELLS + ASSOCIATES**

### **MEMORANDUM**

utilized.

- 3) Loading for trucks 30-feet and smaller will take place in the alley near the loading dock and the loading will be wheeled into the building from the alley. The dock manager will provide instructions and coordinate with the adjacent buildings so that the alley is not blocked for the loading of abutting buildings.
- 4) The dock manager will schedule deliveries such that multiple deliveries do not occur in the alley at the same time.
- 5) Trucks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 - Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route Map ([godcgo.com/truckandbusmap](http://godcgo.com/truckandbusmap)).
- 6) The dock manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock as well as notifying all drivers of any access or egress restrictions. The dock manager will also distribute materials such as DDOT's Freight Management and Commercial Vehicle Operations document to drivers, as needed, to encourage compliance with idling laws. The dock manager will also post these documents and notices in a prominent location within the loading area.

Please do not hesitate to contact me at [jlmlanovich@wellsandassociates.com](mailto:jlmlanovich@wellsandassociates.com) or (703) 676-3608 should you have any questions or require additional information.

O:\Projects\7001 - 7500\7062 Museum Of American Educator\Documents\Museum of the American Educator - Alley Closure Supplemental Memo (10-3-17).docx





**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:** September 22, 2017

**SUBJECT:** S.O.17- 26363  
Proposed Partial Closing of a Public Alley in Square 221

**I. RECOMMENDATION**

The Office of Planning (OP) has completed its review of the application for the requested alley closing, and **has no objection** to this request.

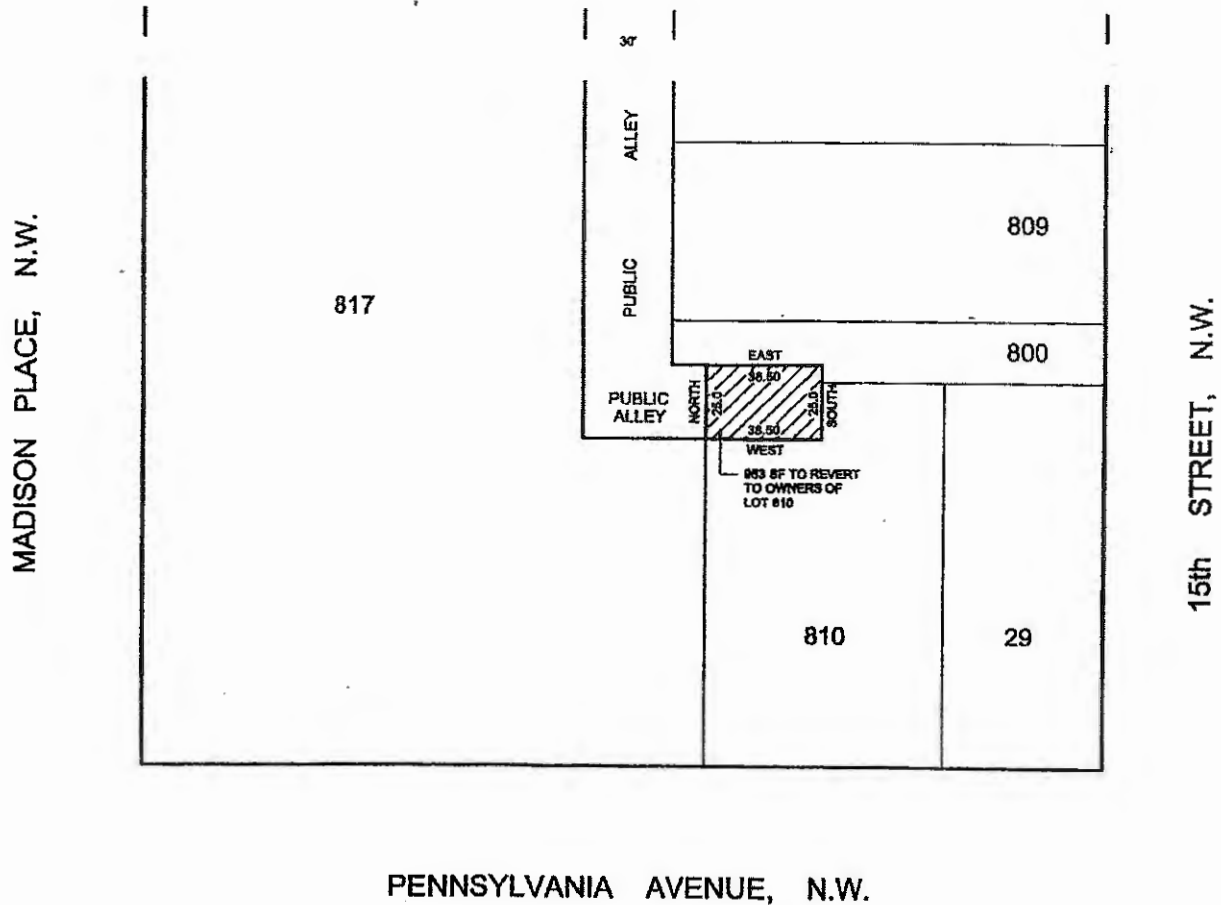
**II. SITE DESCRIPTION**

Address:	1501 Pennsylvania Ave. NW, 1503-1595 Pennsylvania Ave. NW, and 730 15 <sup>th</sup> ST. NW.
Applicant	Granite LLC
Legal Description:	Square 221; Lot 29, 800, 810
Ward / ANC:	2/2B
Zone:	D-6 The purpose of this zone is to provide for the orderly development and use of land and structures in areas the Comprehensive Plan generally characterizes as Central Washington or appropriate for high-density mix use development.
Historic District ( <i>if applicable</i> )	Financial Historic District, Lafayette Square Historic District
BZA Review and Approval:	BZA 19229, for relief from various aspects of the zoning regulations was approved in 2016. BZA 19610 is currently in process for penthouse revisions to the portion of the site to the north of the alley section. It has no impact on this case.
Comprehensive Plan Generalized Future Land Use and Policy Map Designation:	Land Use Map – High Density Commercial Policy Map – Central Employment Area The proposal is not inconsistent with these designations.
Comprehensive Plan:	The proposal would particularly further objectives of the Central Washington Area Elements of the Comprehensive Plan.



### III PROPOSAL

The request is for the closing of a 956.7 sq. ft. dead-end portion of public alley in Square 221. The partial alley closing would impact lots 810, 800, and lot 29. Pennsylvania Ave NW, which is in front of the museum site, is closed to vehicular traffic.



Request:	The request is to close a portion of an alley in Square 221.
Size:	956.75 <sup>1</sup> sq. ft. alley; 17,971 sq.ft. site (lots 810,800,29)
Adjacent Ownership:	service commercial uses
Proposed Development:	
<u>Uses</u>	The Applicant is converting an existing bank building into a Museum

<sup>1</sup> Applicant's measurement of 956.75 sq.ft. differs slightly from Surveyor's office measurement of 963 sq.ft.

<u>Height and Density</u>	The proposal is for conversion of an existing 32,439, sq.ft. six-story historic bank building and an existing 6,300 sq.ft. five-story historic bank building into a larger six-story, 49,890 sq. ft. museum building with some additions <sup>2</sup> .
<u>Parking and Loading</u>	No parking or loading are required, as it is a historic building with an addition comprising less than 50% of the existing gross floor area.
<u>Easements</u>	N/A

### III. ANALYSIS

#### A. Planning and Urban Design

The Director of the Office of Planning is required to “*determine whether the proposed closing is in compliance with the District’s planning and urban design objectives*”, as per 24 DCMR 1401.2(c). These objectives, as contained within the Comprehensive Plan (10 DCMR, Chapter 9), include:

§300 Land Use Element

§310.8 Policy LU-2.2.7: Alley Closings

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

This portion of the alley is no longer needed for intended functions for an alley, such as access to rear garages and service areas for trash collection, and does not serve any property other than that owned by the applicant. A fully functional alley would remain in the square.

§900.2 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...*

Closing this dead-end of public alley would allow for the proposed museum to provide more space for its program needs. The cultural, academic, and economic benefits of a museum would be beneficial to the community and civic identity.

- *Improving the public realm, particularly street and sidewalk space...*

Closing this portion of the alley would not significantly impact the adjacent street or sidewalk space. This portion of the existing public alley area is internal to the square and not accessible to the public, and would not impact internal service access to this square.

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<sup>2</sup> The Applicant has informed OP that the museum’s total square footage has not been finalized but it will be within the requirements of the D-6 Zone.

*§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)*

The proposed partial alley closing is in the L'Enfant Plan area but it is a small underutilized segment of the alley. Closing it will not have an impact on the design of the square, nor on the transportation and loading circulation on the square.

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

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

Not Applicable. The alley does not intersect with any major avenues or boulevards.

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

*Maintain a fine grained pattern of Downtown blocks, street and alleys, with intersections and frontages that encourage pedestrian movement and reduce the potential for immense variations in scale and "fortress-like" office buildings (see Figure 9.8 [Superblock Versus Fine-Grained Street and Development Patterns §909.13]).*

Closing this end of the public alley would not impact the pattern of the downtown blocks. Pedestrian movement should not be impacted.

*§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.*

Not applicable. The application does not include any street closure.

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

- The alley closing would facilitate the construction of the adjacent historic buildings to a public museum use.
- Circulation through the square would not be impacted.

§ 1608.8 Central Washington Area Element

*Retain, enhance, and expand Central Washington's art and entertainment uses, including theaters, cinemas, galleries, studios, museums, and related services. Cultural uses should be actively encouraged in the area along 7<sup>th</sup> Street NW (between the National Mall and the Convention Center), and along the E Street corridor (between 5<sup>th</sup> Streets and 15<sup>th</sup> Streets NW). The clustering of arts uses in these areas should complement the significant cultural institutions already present or planned, such as the Smithsonian American Art Museum, the Corcoran Gallery of Art, the Newseum, and the numerous Downtown theaters.*

The proposed partial alley closing would allow for a small expansion for a future museum on the site. The site is near the 15<sup>th</sup> ST NW and Pennsylvania Avenue intersection in Central Washington and near many of the other museum and cultural entertainments uses in the area.

**B. Housing Linkage**

No linkage is required. The proposed closure would allow for the expansion of a museum use and not a commercial use.

**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;*

Provided. An approximately 49,890 sq.ft. museum is intended for the site.

- (g) *The points of ingress and egress that vehicles will use for parking or loading purposes;*
- (h) *The location of off-street parking spaces and their number and size;*
- (i) *The location and size of loading and unloading facilities such as berths, docks, and platforms;*
- (j) *A Tracking diagram for the maximum size trucks intended to use the loading and unloading facilities;*

Parking and loading are not required, but OP supports DDOT's requirement that the Applicant provide building plans showing loading docks, as part of the permitting process.

- (k) *Elevation views for each side of any building proposed for the site.*

Provided. Elevation views have been provided for every relevant side of the building. The addition would be visible on the eastern and western sides of the building.

**IV. CONCLUSIONS**

The information provided by the applicant is adequate to meet the requirements of Section 1400.8, for a project at this stage of its design development, subject to DDOT concurrence.

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 Public Alley in Square 221- SO, 17-26363

**Date:** August 4th, 2017

The following Alley closing was investigated for review:

Square 221- SO.17-26363

The Department has reviewed the proposed closing, at this time we have no objection to the closing of alley Square- 221- SO.17-26363.

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

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



**MEMORANDUM**


**TO:** Roland Dreist, Office of the Surveyor

**SUBJECT:** Proposed Closure of an Alley in Square 221; (S.O. 17-26363)

**DATE:** July 26, 2017

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

**BY:**

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


17-0786

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**   
**Battalion Fire Chief**  
**FEMS Office of the Fire Marshal**

**DATE: July 31, 2017**

**SUBJECT: Surveyor's Office File No. SO 17-26363 Partial Alley Closure Square 221**

---

This written correspondence is being forwarded to your office to address File No. SO 17-26363 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 221. The alley closure is being requested to accommodate the establishment of the Milken Museum. Lots 29, 810 and a portion of Lot 800 in Square 221 will be subdivided into a single record lot, which will include the portion of the alley to be closed.

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.

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:

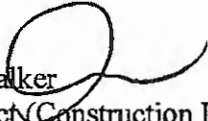


GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



MEMORANDUM

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

FROM: Paul Walker   
Architect (Construction Inspector)

DATE: July 25, 2017

SUBJECT: Department of Housing and Community Development Review comments on  
Closing at Square 221

S.O 17-26363

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. This public alley closing at Square 221 in order accommodate the establishment of Milken Museum. The total alley area to be closed is approximately 956.75 square feet an is no longer necessary for transportation or alley purposes. 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.

Network Engineering  
OPPE MD/DC



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

August 7, 2017  
Mr. Roland F. Dreist, Jr.  
Office of the Surveyor  
1100 4<sup>th</sup> Street SW  
Washington, D.C. 20024

RE: Proposed Closing of Alley in Square 221 S.O 17-26363

Dear Mr. Dreist:

In reference to your letter dated July 20<sup>th</sup>, 2017 which relates to closing of public alley in Square 221

Location: Square 221

Verizon Washington D.C. Inc. does not object to the proposal.

[ ] 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,

A handwritten signature in cursive script that reads "KENNY YOUNG".

Kenneth D. Young  
Engineer, Outside Plant Engineering, WSAM

GIV/kdy

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

**District of Columbia Office**  
3400 Benning Road, NE  
Washington, DC 20019

pepco.com

August 4, 2017

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

Dear Mr. Dreist:

Subject: Proposed Partial Closing of Public Alley in Square 221 - S.O. 17-26363, 730 15<sup>th</sup> St., NW

In response to your memorandum dated July 20, 2017 concerning the subject proposed alley closing, we comment as follows:

We have reviewed the documents showing the proposed alley closing and we have determined that Pepco does not have any facilities in the portion of the alley to be closed. The alley is shown between 15th Street and Madison Street and between H Street and Pennsylvania Avenue, NW. 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](mailto:rcbrown@pepco.com).

Very truly yours,

*Robert C. Brown*

Robert C. Brown  
Supervisor Designers

**Gaon, Joseph O (WAS - X75162)**

---

**From:** Emily Emrick <eemrick@sbaranes.com>  
**Sent:** Monday, August 28, 2017 10:11 AM  
**To:** Gaon, Joseph O (WAS - X75162)  
**Cc:** Kevin Dunmire  
**Subject:** Fwd: Partial Alley Closing Square 221 - Washington Gas

Begin forwarded message:

**From:** "Dyer, Reggie" <RDyer@washgas.com>  
**Date:** August 28, 2017 at 9:29:26 AM EDT  
**To:** Emily Emrick <eemrick@sbaranes.com>  
**Subject:** RE: Partial Alley Closing Square 221 - Washington Gas

Good Morning. WG has no objections!

V/r

**REGGIE DYER JR MBA, GISP**

Supervisor – Records, Survey and Land Rights  
Washington Gas | A WGL Company  
P 703.750.4335 | M 571.455.2343 | [rdyer@washgas.com](mailto:rdyer@washgas.com)  
6801 Industrial Rd., Springfield, VA 22151



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**From:** Emily Emrick [<mailto:eemrick@sbaranes.com>]  
**Sent:** Friday, August 25, 2017 9:29 AM  
**To:** Dyer, Reggie  
**Cc:** [Joseph.Gaon@hklaw.com](mailto:Joseph.Gaon@hklaw.com); Kevin Dunmire  
**Subject:** Partial Alley Closing Square 221 - Washington Gas

Mr. Dyer,

Thanks so much for speaking with me this morning regarding the application for the proposed closing of a portion of a public alley in Square 221 (S.O. [17-26263](#)).

We understand that it has been received by Washington Gas and that there are no questions, comments, or objections. Please confirm or let us know if you require anything further to satisfy the support of Washington Gas for the application.

Thanks in advance! Emily.



July 28, 2017

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

Subject: Street/Alley Closing Application **S.O. 17-26363**

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 25, 2017** regarding **S.O. 17-26363**. DC Water currently operates or maintains the following facilities located within the proposed street/alley closing area:

- 1. Existing 15" Combined Sewer Main in the alley**
- 2. Existing 12" Combined Sewer Main in the alley**
- 3. Existing Manhole in the alley.**

These facilities must be maintained to provide water and/or sewer services for the public good. Therefore, DC Water objects to the proposed street/alley closings requested in **S.O. 17-26363** unless the Applicant executes and records an easement that allows for the continued operation and maintenance of these facilities. DC Water requires the applicant to execute an easement, as provided in the attachment, with no restrictions at, on, below or above the grade of the surface of the ground to a minimum height of twenty-five (25) feet, and be contiguous with the existing right of way.





Permit Operations

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

Please have the applicant contact me to resolve the objection at their convenience. I can be reached at the contact information listed below.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Harney". The signature is fluid and cursive, written over a white background.

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@dcwater.com  
DC Water - Water is Life!

Prepared by and Return to:

DC Water and Sewer Authority  
1100 4th Street, SW # 310  
Washington, DC 20024

S.O. 16-00000

## EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (“**Agreement**”) made this 3rd day of January, 2016 between **JOHN DOE or ABC, LLC**, herein called “**Grantor**,” and the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**, an independent authority of the District of Columbia, herein called “**Authority**”.

### RECITALS

WHEREAS, Grantor owns that certain real property located in the District of Columbia and described and shown in the attached **Exhibit A** (the “**Subject Property**”); and

WHEREAS, Grantor has requested, in an application made to the District of Columbia Office of the Surveyor, filed as **S.O. 16-00000**, dated **January 1, 2016** (the “**Grantor’s Application**”), that the District of Columbia legally close certain street(s) and/or alley(s) as described and shown in the attached **Exhibit A** (the “**Surveyor’s Plat**”); and

WHEREAS, pursuant to the *Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996*, effective April 18, 1996, as amended, (D.C. Law 11-111, D.C. Official Code §§ 34-2202.01 et seq.) Authority is responsible for the planning, designing, constructing, operating, maintaining regulating, financing, repairing, modernizing, and improving the District Improvements for the water distribution and sewage collection, treatment and disposal systems and services within the District of Columbia; and

WHEREAS, Authority, by letter dated **January 2, 2016** to the District of Columbia Office of the Surveyor, has issued its objection to the closing of street(s) and/or alley(s) closing proposed in **S.O. 16-00000** due to the presence of the following facilities: **List of Facilities Here**, which is/are located in the area described and shown in the attached **Exhibit A** (the “**Easement Area**”), and whose operation must be maintained for the public good; and

WHEREAS, as a condition to close said streets and or alleys, Grantor has agreed to execute an easement in the form as set forth in this Agreement; and

WHEREAS, the Authority and Grantor mutually acknowledge and agree that the terms of this Agreement are intended to run with and bind the Subject Property from the point in time that the District of Columbia Office of the Surveyor records the plat filed in **S.O. 16-00000** to close the alley and vest title to the land in Grantor; and

NOW THEREFORE, in consideration of the benefit to Grantor, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by Grantor and Authority, Grantor, on behalf of itself and successive owners of Subject Property, and Authority hereby agree as follows:

1. **Grant of Easement.** Grantor hereby grants unto Authority and its successors and assigns, an easement ("**Easement**") with the right of pedestrian and vehicular ingress and egress in, on, under, over to a minimum height of twenty-five feet (25 Ft.) above finished grade, and across the full width and length of alley area as described and shown in the attached **Exhibit A** (the "**Easement Area**"). Grantor grants unto Authority the right to install, construct, reconstruct, alter, maintain, repair, enlarge, relocate and inspect all Facilities, including but not limited to, pipes, manholes, and other appurtenances the Authority deems appropriate, now or in the future, to and/or for water service and sanitary, combined, and storm sewer service together with their related facilities for the water distribution and sewage collection, treatment, and disposal systems (individually and collectively, the "**Facilities**").

2. **Facilities Ownership and Maintenance.** Title to all Facilities in the Easement Area shall remain vested in the District of Columbia and under the operational jurisdiction and control of Authority. Authority shall make any repairs or replacements to the Facilities it deems necessary for their proper upkeep and maintenance. Following any work by Authority that disturbs the surface of the Easement Area, Authority shall restore the surface, including ordinary lawns, standard walks, roadways, driveways and parking lot surfacing, to the condition in which it existed prior to Authority's work; provided, however, Authority will in no case be responsible for replacing or paying for the repair or replacement of any structure, tree or other surface feature violative of this Agreement, specifically including paragraph 4 below.

3. **Access to Subject Property.** During the course of any work permitted hereunder and during any periodic inspection and maintenance of the Facilities or the Easement Area, Authority shall be permitted to access the Easement Area with persons, vehicles and any other equipment it deems necessary. In addition to the foregoing, Authority, and its respective agents and employees, shall have the right to use land of the Grantor adjoining the Easement Area to the extent reasonably necessary to facilitate replacement, alteration, maintenance, inspection, operation and any necessary repairs; provided, however, that this right to use adjoining land shall be exercised only during periods of actual replacement, alteration, maintenance, inspection, operation or repair, and then only to the minimum extent necessary for such work; and further, this right to use adjoining land shall not be construed to allow the Authority to erect any building, structure or facilities of a permanent nature on Subject Property.

4. Interference with Use. Grantor shall use and operate the Easement Area so that there is no unreasonable interference with Authority's use and operation of the Facilities and the Easement Area. Grantor shall not erect any buildings, walls or other structures in the Easement Area either above or below grade that impair the Authority's ability to excavate and repair the Facilities, and shall not plant or allow any trees being planted or grown thereon. In addition, Grantor is specifically prohibited from constructing or placing in the Easement Area any structure, container, surface or subsurface feature (including, without limitation, swimming pools, ponds and detention basins) for the storage or containment of any liquids including, without limitation, water, heating oil, gasoline, diesel fuel, and liquefied natural gas. However, non-structural fences, walks, pavement for driveways and parking lot surfacing may be constructed or placed within the Easement Area. Authority shall have the right at all times to cut or remove any trees or structures or other obstructions in the Easement Area at Grantor's expense. Further, Grantor shall not cause or permit a change of grade of the Easement Area resulting in an increase or decrease in the grade by more than twelve inches (12"). Grantor may allow other utility providers to install conduit, cable or pipes in the Easement Area provided such installed materials cross the Facilities at an angle of not less than forty-five (45) degrees. Grantor reserves the right to continue to use the land within the Easement Area for any use and purposes which shall not violate in any way the preceding restrictions and which shall not interfere with the use thereof by Authority in fulfilling the purposes for which this Easement is granted.

5. Interference with Facilities. Grantor agrees and covenants to and with Authority that any building or other structure (whether one or more, "Structure") constructed and erected, or caused to be constructed and erected, by Grantor on the Subject Property shall, in addition to complying with all requirements of applicable laws and regulations, be so constructed that no structural load shall rest upon, or be transmitted either directly or indirectly to, the Facilities and that no part of any Structure, or of the foundations thereof, shall be installed within 5 feet, vertically or horizontally, of said Facilities.

6. Damage from Construction of Structure. Grantor covenants that it shall and will conduct, or cause to be conducted, the work of construction or erection of any Structure in such manner that no harm or damage will be done or result to the Facilities, and Grantor does further covenant to pay to Authority, promptly and without demand by Authority, the total and entire cost to Authority of any repairs, or other work directly related to such repairs, of the Facilities resulting from the construction or existence of the Structure.

7. Relocation and Termination.

(a) Authority may permit Grantor to replace, relocate, modify or remove all, or portions of, the Facilities (such replacement, relocation, modification or removal of Facilities being referred to herein as the "Facilities Changes") subject to the following conditions:

(1) Grantor shall have submitted a District of Columbia Department of Consumer and Regulatory Affairs Permit Application and plans for the Facility Changes, including a schedule for installation, that comply with the District of Columbia Construction Codes Supplement, as amended, and Authority's design and specification requirements;

(2) Authority shall have approved the plans for the Facilities Changes (the "Approved Plans"), provided that Authority's approval may not be unreasonably withheld;

(3) The construction and installation of the Facilities Changes shall be at Grantor's sole cost and expense; and

(4) The Facilities Changes will not adversely affect the sewer and water services for the property(ies) served by the Facilities.

(b) As and when the Facilities Changes are completed in accordance with the Approved Plans, have been inspected, and accepted by Authority, and are operational, Authority agrees to execute a document, in recordable form, releasing this Agreement for any portion of the Facilities that will be removed from service and for which Authority shall have no obligation to operate or maintain. Authority shall have no responsibility for the costs of recordation. This Agreement, however, shall remain in effect with regard to all other Facilities; provided, however, this Agreement including exhibits shall be modified to reflect the revised location of the Easement Area and of the Facilities.

#### 8. Miscellaneous.

(a) Counterparts. This Agreement may be executed in multiple counterparts each of which shall constitute an original and all of which together shall constitute one and the same instrument.

(b) Governing Law; Jurisdiction. This Agreement shall be governed by the laws of the District of Columbia without reference to choice of laws principles thereof. The parties hereto accept the jurisdiction of the Superior Court of the District of Columbia as the court of competent jurisdiction to resolve matters under this Agreement.

(c) Binding Effect. The parties agree that the terms and conditions of this Agreement shall (i) be binding upon, and shall inure to the benefit of, their respective heirs, legal representatives, successors and assigns, and (ii) run with the land and be binding upon and inure to the benefit of all parties owning or having any interest in the Subject Property.

(d) **Written Modifications.** No change or modification of this Agreement shall be valid unless the same is in writing, signed by the parties hereto and recorded in the land records. No purported or alleged waiver of any of the provisions of this Agreement shall be valid or effective unless in writing signed by the party against whom it is sought to be enforced.

(e) **Further Actions.** The parties hereto shall at any time and from time to time after the execution of this Agreement, upon request of any party, do, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged or delivered, all such further acts, deeds, conveyances and assurances as reasonably may be required to effectuate the purposes of this Agreement.

(f) **Severability of Provisions.** In the event that one or more of the provisions of this Agreement shall be held to be illegal, invalid or unenforceable, each such provision shall be deemed severable and the remaining provisions of this Agreement shall continue in full force and effect.

(g) **Covenants.** By executing this Agreement, each of the parties represents that: (i) it is authorized to enter into, execute and deliver this Agreement and to perform its obligations hereunder; (ii) this Agreement is effective and enforceable against such party in accordance with its terms; (iii) the person signing on such party's behalf is duly authorized to execute this Agreement; and (iv) no other signatures or approvals are necessary in order to make all of the representations of such party contained in this paragraph true and correct.

(h) **Incorporation of Recitals and Exhibits.** The Recitals and Exhibits are hereby incorporated herein and made a part of this Agreement by reference.

(i) **Indemnification.** In connection with the construction by Grantor of any structure or building abutting or encroaching upon the Easement Area, Grantor will assume all liability for any damage to the Facilities. Grantor shall indemnify, hold harmless, protect and defend Authority and its officers, directors, employees and agents against and from all losses, damages, liabilities, suits, claims, demands, expenses (including, without limitation, attorneys' fees), judgments, interest and costs incurred or suffered by Authority or its officers, directors, employees and agents that arise either as a result of Grantor's negligence or as a result of Authority's use of or entry in the Easement Area including the installation, operation, maintenance and replacement of all or any portion of the Facilities. **GRANTOR SPECIFICALLY INDEMNIFIES AUTHORITY FOR AUTHORITY'S OWN SIMPLE NEGLIGENCE.**

(j) Remedies. If either party shall fail to comply with the terms and conditions contained herein, the non-defaulting party may seek specific performance of such term and conditions and any direct damages resulting from breach thereof, in addition to any other rights or remedies available to the non-defaulting party at law or in equity, but in no event may either Grantor or Authority seek punitive or consequential damages that may arise as a result of a failure to comply with the terms and conditions of this Agreement.

(k) Anti-Deficiency Acts. The obligations of Authority to fulfill financial obligations, if any, pursuant to this Agreement, or any subsequent agreement entered into pursuant to this Agreement or referenced herein (to which Authority is a party), are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349-1351 1511-1519; (ii) the D.C. Official Code §§ 1-206.03(e) and 47-105; (iii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 – 355.08; and (iv) the Section 446 of the District of Columbia Home Rule Act, D.C. Official Code § 1-204.46 (collectively, (i), (ii), (iii) and (iv), as amended from time to time, the “**Anti-Deficiency Acts**”). Pursuant to the Anti-Deficiency Acts, nothing in this Agreement shall create an obligation of Authority in anticipation of an appropriation by Congress for such purpose, and Authority’s legal liability for the payment of any charges under this Agreement shall not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year as approved by Congress.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF Authority, acting through its General Manager and CEO, has caused this instrument to be executed as of the day and year written first above.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

By: \_\_\_\_\_  
Name: George S. Hawkins  
Title: General Manager and CEO

DISTRICT OF COLUMBIA:

I, \_\_\_\_\_, a Notary Public in and for the aforesaid jurisdiction do hereby certify that George S. Hawkins, as General Manager and CEO representing the District of Columbia Water and Sewer Authority, party to the foregoing Easement Agreement bearing the date of the 3rd day of January, 2016, personally appeared before me in said jurisdiction, the said George S. Hawkins being personally well known to me as the person who executed said Easement Agreement and acknowledged the same to be the act and deed of the District of Columbia Water and Sewer Authority.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_









## Executive Director's Recommendation

Commission Meeting: October 5, 2017

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<b>PROJECT</b> Closing of a Portion of a Public Alley in Square 221 - S.O. 17-26363 15th Street and Pennsylvania Avenue, NW Washington, DC	<b>NCPC FILE NUMBER</b> 7898
<b>SUBMITTED BY</b> District of Columbia Department of Consumer and Regulatory Affairs Office of the Surveyor	<b>NCPC MAP FILE NUMBER</b> 1.32(44.40)44586
<b>REVIEW AUTHORITY</b> Approval of Comments on Street & Alley Closings per DC Code § 9-202.02	<b>APPLICANT'S REQUEST</b> Approval of comments to the Council of the District of Columbia
	<b>PROPOSED ACTION</b> Approval of comments to the Council of the District of Columbia
	<b>ACTION ITEM TYPE</b> Consent Calendar

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### PROJECT SUMMARY

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments on a proposed partial public alley closure in Square 221 on behalf of Granite, LLC. The site is located in Northwest Washington, DC, within the Lafayette Square and Financial Historic Districts in the D-6 Zone District. Square 221 is bound by H Street to the north; 15th Street to the east; Madison Place to the west; and Pennsylvania Avenue to the south. The site is located in close proximity to the White House, to the east of Lafayette Square, and to the north of the U.S. Treasury Department.

The east-west alley segment to be closed is located in the southeastern portion of the square at the end of the alley, behind the former Riggs National Bank Building. The segment of the alley to be closed measures 25 feet wide by 38.5 feet long and occupies a land area of approximately 956 square feet. This portion of the alley dead-ends into Lots 800 and 810 to the east, and is accessed from H Street, NW to the north. The alley closure is necessary to consolidate Lots 29, 810, and a portion of lot 800 into a single record lot that will measure approximately 17,971 square feet, including the portion of the alley to be closed, for long-term private use. The consolidated lot is located at the northwest corner of Pennsylvania Avenue and 15<sup>th</sup> Street, NW, and will accommodate the Milken Museum and Conference Center. The associated project entails modifications to three adjacent historic buildings: the former Riggs National Bank, the former American Security and Trust Company, and the ten-story office building located directly to the north along 15<sup>th</sup> Street (730 15th Street). The portion of the public alley to be closed will be enclosed with a curtain wall and skylight, to create a glazed atrium. The proposed atrium will internally connect the three historic buildings into a single complex containing the Museum of the American Educator, a conference center, the offices of the Milken Family Foundation, and the Milken Institute.

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## KEY INFORMATION

- Square 221 houses five federal buildings and other financial institutions that contribute to the Lafayette Square Historic District. Federal properties include the Cutts-Madison House (1820), the old Cosmos Club Annex (1904); the Tayloe-Cameron House (1818), the United States Court of Appeals-Howard T. Markey National Courts (1965); and the Treasury Annex (1919). Financial buildings include the Riggs National Bank (1898); and the American Security and Trust Company (1899) buildings.
- The alley is not publicly accessible. The National Courts Building controls access into the alley from H Street. The Treasury Annex's east side yard along Pennsylvania Avenue is connected to the segment of the public alley system to be closed to the north, and is separated by a fixed fence. The Treasury Department has determined that there are no major security concerns with the proposed alley closing based on continued vehicular and pedestrian access from H Street to the Treasury loading dock.
- The U.S. Secret Service has no issues with the partial alley closing.

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## RECOMMENDATION

The Commission:

**Finds** that the proposed closing of a portion of a public alley in Square 221 in Northwest Washington, DC would not be inconsistent with the *Comprehensive Plan for the National Capital*.

**Requests** that the applicant continue to work with interested federal agencies, including the U.S. Secret Service and the General Services Administration, as the design of the associated Milken Museum and Conference Center project evolves.

## PROJECT REVIEW TIMELINE

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<b>Previous actions</b>	None
<b>Remaining actions (anticipated)</b>	None

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## PROJECT ANALYSIS

### Executive Summary

The proposed partial alley closure will allow the development of the Milken Museum complex at the corner of Pennsylvania and 15th Streets, NW. The proposal will not affect circulation, or loading facilities within Square 221. The portion of the alley to be closed dead-ends into lots 810

and 800, which together with lot 29, will be combined into a single lot to allow the renovation of three historic buildings: the former Riggs National Bank, the former American Security and Trust Company, and the adjacent ten-story office building located directly to the north (730 15th Street) to house the new Museum of the American Educator, offices and a conference center. The segment of the alley to be closed will be enclosed with a glazed curtain wall and skylight to create an atrium that would facilitate internal circulation among the historic buildings. The alley closure will not impact any federal properties, nor any other identified federal interests.

### **Analysis**

The project entails closing a segment of a public alley behind the Riggs Bank building and enclosing this space with a glazed atrium that would connect three adjacent historic buildings, currently occupied by PNC and Bank of America. Currently, the floor slabs of the historic buildings do not align, therefore, walkway bridges will be installed within the proposed atrium to connect the buildings. The renovated facility will house a museum, a conference center, and the offices of the Milken Family Foundation and the Milken Institute. The museum includes a one-story glazed penthouse.

The alley is not publicly accessible, the National Courts Building controls access into the alley from H Street through a guard booth and vehicular barrier arm. The segment of the alley to be closed is not currently used for circulation purposes or community open space. The alley dead-ends into midblock lots 810 and 800, which will be combined with the corner lot into a single lot to house the new Museum of the American Educator. Therefore, the closure will not affect shared access to service areas of multiple buildings.

Based on a recent site visit, NCPC staff observed that the portion of the alley to be closed is currently used for parking. However, this portion of the alley is not used for alley circulation purposes, as the alley dead ends into two lots that are associated with the project. The applicant indicated that loading facilities for the proposed museum will take place in the remainder public alley, and not along 15<sup>th</sup> Street, NW, which is consistent with policies included in the Urban Design Element which entail protecting the beauty and visual qualities of the public realm and the pedestrian experience along Special Streets (Pennsylvania Avenue) by orienting service functions to the backs of buildings where possible, along service streets and designated alleys.

Square 221 has a prominent location in close proximity to the White House, Lafayette Square and the U.S. Treasury Building. The square is composed of significant historic buildings that house both federal and financial institutions. Examples of financial institutions include the American Security and Trust Company, and the Riggs National Bank buildings at the corner of 15<sup>th</sup> Street and Pennsylvania Avenue, both designed by York and Sawyer architects in a Neo-Classical Revival style. The public alley is located immediately to the east and north of five federal properties, which are located along Madison Place, NW, including (from north to south):

1. The Cutts-Madison House (1820);
2. The old Cosmos Club Annex (1904);
3. The Tayloe-Cameron House (1818);

4. The United States Court of Appeals for the Federal Circuit - Howard T. Markey National Courts Building (1965); and
5. The Treasury Annex (1919).

Buildings one through four are part of the federal judicial complex, while building five is occupied by the Treasury. All federal buildings are under the jurisdiction of the General Services Administration (GSA).

The portion of the alley to be closed is located immediately to the north of the Riggs Bank building, and the Treasury Annex's east side yard. The Treasury Annex's side yard has a restricted pedestrian access from Pennsylvania Avenue for authorized Treasury pass holders only and has a fixed fence facing the public alley to the north. The Treasury Annex's side yard currently includes benches, and bike racks. GSA has consulted with the Treasury Annex's security staff on the proposed alley closing. In general, they do not have major concerns based on continued access to the Treasury loading dock. NCPC staff has consulted with the US Secret Service, and they have also confirmed that there are no issues with the partial alley closing. In addition, the applicant has been working with the U.S. Secret Service to determine the requirements of any rooftop ballistic barrier railings for the proposed penthouse. Therefore, the alley closure will not impact any federal properties, nor any other identified federal interests.

## **CONFORMANCE TO EXISTING PLANS, POLICIES AND RELATED GUIDANCE**

### **Comprehensive Plan for the National Capital**

The proposed partial alley closing is not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

### **National Historic Preservation Act**

Square 221 is located within the Lafayette Square and the Fifteen Street Financial Historic Districts. NCPC does not have a Section 106 responsibility. The Commission is acting in an advisory capacity for the alley closing referral. The alley is inside the L'Enfant Plan; however, the proposed partial alley closing will not affect surrounding historic properties. The project has been reviewed by the Historic Preservation Review Board (HPRB #17-297).

### **National Environmental Policy Act**

NCPC has advisory review authority when providing comments to the Council of District of Columbia on street and alley closings. Therefore, NCPC does not have a NEPA responsibility.

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## CONSULTATION

### Coordinating Committee

The Coordinating Committee reviewed the proposal at its September 13, 2017 meeting. Without objection, the Committee forwarded the proposed comments to the Council of the District of Columbia to the Commission with the statement that the proposal has been coordinated with all participating agencies. The participating agencies were: NCPC; the District of Columbia Office of Planning (DCOP); the District Department of Transportation (DDOT); the District of Columbia State Historic Preservation Office (DCSHPO); the District Department of Energy and Environment (DOEE); the General Services Administration (GSA); the National Park Service (NPS) and the Washington Metropolitan Area Transit Authority (WMATA).

### U.S. Commission of Fine Arts

As part of the Shipstead-Luce Act of 1930, in which Congress directed the Commission of Fine Arts (CFA) to review the designs of private construction projects in certain areas of high federal interest within the National Capital, CFA has conducted several concept design reviews for the associated renovation and addition to the former Riggs Bank Building for use as the Museum of the American Educator. CFA has reviewed concept plans for the project on May 18, 2017; October 15, 2015; and May 21, 2015.

The Commission of Fine Arts (CFA) last reviewed and approved a concept design for the associated Milken Museum and Conference Center at its meeting on May 18, 2017. The Commission reiterated their support for the proposed rooftop addition, and recommended further development of the curtain wall design for the proposed new atrium space at the rear, suggesting that it could be related to the design of the glazed wall system of the rooftop addition. CFA expressed concerns about the potential visual impact of any ballistic barriers that may be required at the proposed roof decks due to the proximity to the White House. CFA noted that railings or barriers at the roofs were specifically excluded from this approval and must be submitted for review, as well as any signs proposed for the building complex.

### Advisory Neighborhood Commission

The Dupont Circle Advisory Neighborhood Commission (ANC) 2B issued a resolution in support of the project at its April 12, 2017 meeting. The ANC 2B noted that the alley closure would benefit the neighborhood by allowing for more functional programming of the museum. In addition, the proposal would not adversely impact the community because the alley dead-ends at the portion of the alley to be closed and the alley is not publicly accessible.

## ONLINE REFERENCE

The following supporting documents for this project are available online:

- Submission Package

Prepared by Vivian Lee  
09/27/2017

**POWERPOINT (ATTACHED)**





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

April 21, 2017

Marnique Heath, Chair  
Historic Preservation Review Board  
Office of Planning  
1100 4th Street SW, Suite E650  
Washington, DC 20024  
[historic.preservation@dc.gov](mailto:historic.preservation@dc.gov)

RE: 1501 Pennsylvania Avenue NW, 1503-1505 Pennsylvania Avenue NW, and 730 15th Street NW (HPRB #17-297)

Dear Chairwoman Heath:

At its regular meeting on April 12, 2017, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 9 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (9-0-0):

WHEREAS, the project as proposed is within the 15th Street Historic District and Advisory Neighborhood Commission 2B,

WHEREAS, ANC 2B supported a previous iteration of the project in front of the Historic Preservation Review Board several months ago when it was confined to 1503-1505 Pennsylvania Avenue NW,

WHEREAS, the project as proposed is rehabilitating and beautifying currently unpleasant and visible penthouses,

WHEREAS, ANC 2B understands that the project as proposed will require an alley vacation, and

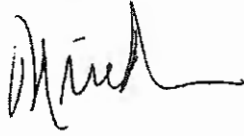
WHEREAS, ANC 2B believes that the alley vacation will be a benefit to the neighborhood by allowing for more functional programming of the museum, and will not adversely impact the community because the alley dead-ends at the portion of the alley to be vacated and the alley is not publicly accessible.

THEREFORE, BE IT RESOLVED that ANC 2B supports the project as proposed.

Commissioners Randy Downs ([randy.downs@dupontcircleanc.net](mailto:randy.downs@dupontcircleanc.net)) and Nicole Mann ([nicole.mann@dupontcircleanc.net](mailto:nicole.mann@dupontcircleanc.net)) are the Commission’s representatives in this matter.

ON BEHALF OF THE COMMISSION.

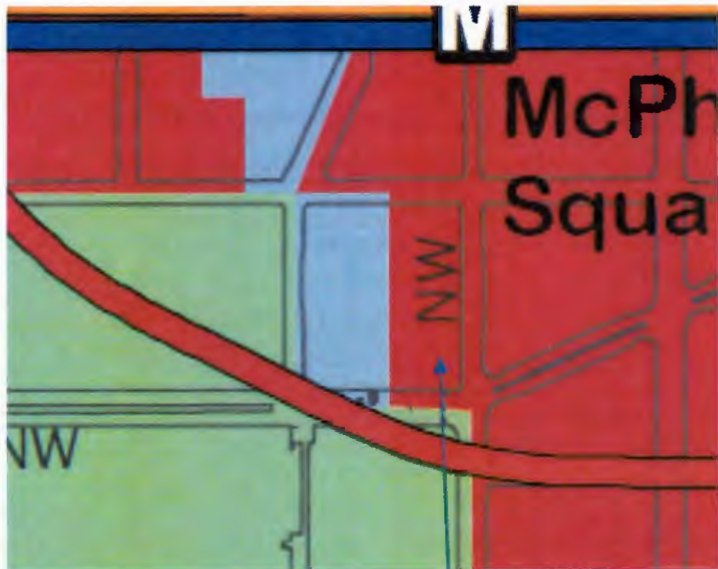
Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Mann", with a long horizontal flourish extending to the right.

Nicole Mann  
Chair

# FUTURE LAND USE MAP

## Comprehensive Plan Future Land Use Map 7



- 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



Site

## Comprehensive Plan Generalized Policy

Map 7

- 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

**Committee of the Whole Hearing**  
**Bill 22-0555**  
**Alley Closing and Establishment of Alley Easement in Square 221**  
**February 1, 2018**

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**Outline of Testimony**  
**Kevin Dunmire**  
**Representative of the Applicant**

- I. Introduction of site
- II. Contacts with District and ANC and neighbors
  - a. ANC 2B review and support of project
  - b. Agency reviews
  - c. Neighbors
- III. Proposed development to be described by architect
- IV. Numerous benefits to the District from the development

**Committee of the Whole Hearing**  
**Bill 22-0555**  
**Alley Closing and Establishment of Alley Easement in Square 221**  
**February 1, 2018**

---

**Outline of Testimony**  
**Mark Gilliland**  
**Shalom Baranes Associates Architects**

- I. Introduction
- II. Site and location description
- III. General description of the project

**Mark Gilliland, FAIA**  
Principal

As a Design Principal over the last 18 years, Mr. Gilliland embraces the design of urban projects of all scales and types. The breadth of his work includes large-scale master plans as well as mixed-use, office, residential, institutional, historic and adaptive re-use buildings. Since joining the firm in 1986, he has been invested in the continued growth and an advocate for renewal of the national capital region. He has master planned almost twelve million sf and has been responsible for designing more than twenty million sf of office, residential and retail space. Among his notable building projects are 101 Constitution Avenue, the Association for American Medical Colleges, Naval Air Systems Command Headquarters, the American Red Cross National Headquarters and 1875 Pennsylvania Ave. His master planning projects include the high profile Burnham Place at Union Station, The Yards at Southeast Federal Center and Waterfront Station.

Mr. Gilliland earned a B.S. Architecture degree from The University of Texas at Arlington and a Master of Architecture from the University of Virginia. After a few years practicing in Texas, he joined Shalom Baranes and Associates in 1986.

Mr. Gilliland's portfolio includes:

101 Constitution Avenue  
1001 6th Street, NW  
1100 South Capitol Street  
1875 Pennsylvania Avenue  
2100 K Street, NW  
7550 Wisconsin Avenue  
American Red Cross National Headquarters  
Association of American Medical Colleges  
Burnham Place at Union Station  
Capitol Plaza  
Hospital for Sick Children  
MedStar Georgetown University Hospital, New Surgical Pavilion  
Museum of the American Educator  
McMillan Campus for Advancement of Health and Wellness  
N Street Village  
NAVAIR Headquarters  
Ritz Residences, 2200 M Street  
The Yards Southeast Federal Center  
Waterfront Station  
Westory Building & Annex  
Woodward & Lothrop Building Renovation

**Committee of the Whole Hearing**  
**Bill 22-0555**  
**Alley Closing and Establishment of Alley Easement in Square 221**  
**February 1, 2018**

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**Outline of Testimony**  
**Jami Milanovich**  
**Wells + Associates**

- I. Introduction
- II. Review of circulation and access to project
- III. Discussion of alley system and alley closing
- IV. Work with DDOT





**Jami L. Milanovich, P.E.**  
**PRINCIPAL ASSOCIATE**

**Ms. Milanovich** is a registered professional engineer with 20 years of experience in a wide range of traffic and transportation projects including: traffic impact studies, corridor studies, parking analyses, traffic signal design, intersection improvement design, and signing and pavement marking design. Over the past decade, Ms. Milanovich has worked primarily in the District of Columbia on a multitude of mixed-use, residential, institutional, and office projects throughout the City. A sampling of her experience related to educational projects is included below.

**COLLEGES AND UNIVERSITIES**

**THE GEORGE WASHINGTON UNIVERSITY FOGGY BOTTOM CAMPUS PLAN, WASHINGTON, D.C.:** Ms. Milanovich conducted a comprehensive transportation study in support of the University's 2006-2025 Foggy Bottom Campus Plan. The Plan envisioned two million square feet of new high-tech classrooms, labs, offices, residential space, support space, and other modernized University facilities through 18 potential redevelopment sites, including the demolition of the 1,482-space University Parking Garage. The transportation study evaluated existing and proposed traffic and parking conditions; documented existing public transportation facilities, pedestrian facilities, bicycle facilities, and loading facilities; and documented the effectiveness of the existing Transportation Management Plan. Additionally, the study evaluated the impact of the Campus Plan on over 30 intersections in and around the campus. The District of Columbia Zoning Commission approved the Campus Plan in 2007.

**THE GEORGE WASHINGTON UNIVERSITY SQUARE 77 RESIDENCE HALL, WASHINGTON, D.C.:** Ms. Milanovich prepared a transportation assessment in support of the proposed construction of a new 894-bed residence hall in the heart of the George Washington University's Foggy Bottom Campus. Specific project challenges included developing a plan to accommodate the loading and service needs of both the new facility and other existing uses on the square given the limited area available as a result of the infill project. The project also required an alley to be closed to accommodate the proposed redevelopment. The Zoning Commission approved the project in June 2013. The District of Columbia City Council approved the alley closing in July 2013.

**EDUCATION**

Master of Engineering; The Pennsylvania State University

Bachelor of Science – Civil Engineering (With Distinction); The Pennsylvania State University

**SPECIALTIES**

Traffic Impact Studies

Parking Studies

Corridor Analyses

Loading Management Plans

Site Access Studies

Expert Witness Testimony

**PROFESSIONAL REGISTRATIONS**

Registered Professional Engineer:

Washington, D.C.

Virginia

Pennsylvania

West Virginia

**PROFESSIONAL AFFILIATIONS**

Institute of Transportation Engineers

The Urban Land Institute

District of Columbia Building Industry Association

ZONING COMMISSION

District of Columbia

CASE NO. 13-0116

EXHIBIT NO. 32B

## **WELLS + ASSOCIATES**

Transportation Consultants ■ INNOVATION + SOLUTIONS

**THE GEORGE WASHINGTON UNIVERSITY SCIENCE AND ENGINEERING HALL, WASHINGTON, D.C.:** Ms. Milanovich prepared a transportation impact study in support of the University's plans to demolish the existing University Parking Garage and construct a new Science and Engineering Hall in its place. The new facility will include 376,471 SF on eight levels above-grade. Two below-grade programmed levels plus four levels of below-grade parking also are proposed. The study concluded that vehicular traffic to and from the site will be reduced by approximately 75 percent as a result of the redevelopment. Ms. Milanovich worked with the University, the project architects, and DDOT to develop a loading design and truck management plan for the proposed Science and Engineering Hall that would be sensitive to pedestrians and would minimize the impacts between vehicles and pedestrians. Ms. Milanovich provided expert witness testimony before the Zoning Commission in support of the project. The Zoning Commission approved the Second Stage PUD application in March 2011.

**THE GEORGE WASHINGTON UNIVERSITY MOUNT VERNON CAMPUS PLAN, WASHINGTON, D.C.:** Ms. Milanovich conducted a transportation study in support of the University's 2010 Mount Vernon Campus Plan, which included the development of four new academic buildings and one new residential building. The study evaluated the impact of the corresponding increase in faculty, staff, and students on nine intersections surrounding the campus. The study also evaluated the impact of converting the existing W Street driveway to pedestrian and emergency vehicle access only.

**THE GEORGE WASHINGTON UNIVERSITY MUSEUM, WASHINGTON, D.C.:** The University currently is constructing a new museum in an infill site on their Foggy Bottom Campus. Ms. Milanovich prepared a traffic evaluation for in support of a Second Stage Planned Unit Development Application. Access to the site was a significant challenge given the configuration of the site coupled with the unique loading needs of a museum. The small infill site had frontage on only one street and was bordered on the rear by the University Yard, which is a significant pedestrian-oriented space. Additionally, the museum needed to have an internal, climate-controlled area to load/unload priceless artifacts. Ms. Milanovich prepared an extensive curb cut justification memo, which documented the need for the proposed curb cut; evaluated vehicular and pedestrian impacts; and, at the DDOT's request; evaluated the feasibility of loading through the University Yard as an alternative. Ms. Milanovich also prepared a loading management plan, which included accommodation of school buses and seniors buses) and a curb cut monitoring plan, in consultation with DDOT, to minimize the impact of the curb cut and to ensure that it would operate as intended. The project was approved by the District of Columbia Zoning Commission in May 2012.

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Tysons, Virginia 22102  
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703-917-0739 FAX  
www.mjwells.com



## **WELLS + ASSOCIATES**

Transportation Consultants ■ INNOVATION + SOLUTIONS

**GEORGETOWN UNIVERSITY CAMPUS PLAN, WASHINGTON, D.C.:** Ms. Milanovich conducted a peer review of the transportation study conducted in conjunction with the University's 2011 - 2017 Campus Plan. She provided input on the proposed scope of work and methodology based on extensive experience with other, similar projects. Ms. Milanovich also provided expert witness testimony on technical aspects of the transportation component of the Plan at the Zoning Commission hearing in November 2011. The Zoning Commission subsequently approved the Campus Plan. Since approval, Ms. Milanovich has provided traffic engineering services for the University as it implements the Campus Plan.

### **SCHOOLS AND DAYCARES**

**SIDWELL FRIENDS SCHOOL, WASHINGTON, D.C.:** Sidwell Friends School proposes to relocate its Lower School from its current location in Bethesda to its Upper/Middle School campus on Wisconsin Avenue in the Cleveland Park neighborhood of Washington, D.C. Ms. Milanovich and her team prepared a preliminary assessment of traffic operations to identify strategies to accommodate the Lower School traffic on the Wisconsin Avenue campus. Data was collected on both campuses to determine trip generation rates, pick-up/drop-off queues, and parking occupancy. W+A determined that the relocation of the Lower School would require improved pick-up/drop-off operations and proposed conceptual pick-up/drop-off area designs as well as more efficient procedures that would accommodate the increase in traffic.

Following the preliminary assessment, Ms. Milanovich met with several community working groups and neighbors to address their concerns related to traffic. A strong commitment to a robust Transportation Demand Management (TDM) plan and Monitoring Plan as well as relocating pick-up/drop-off operations for the Middle School from a public street to a location on campus helped Sidwell ultimately gain the active community's support.

A substantial Comprehensive Transportation Review (CTR) was also prepared for review by the District Department of Transportation (DDOT). The CTR included detailed assessments of multi-modal site access and circulation, the five pick-up/drop-off locations, existing and anticipated loading needs, intersection operation with the proposed TDM plan and Middle School pick-up/drop-off relocation, Wisconsin Avenue corridor operations, and transportation solutions proposed by the community to address existing traffic issues. W+A also conducted a mode split survey of parents and teachers to determine their travel characteristics.

Ms. Milanovich provided expert testimony before the Board of Zoning Adjustment (BZA). The BZA approved the Lower School relocation and subsequent student and staff cap increases in March 2016.

**SHERIDAN SCHOOL, WASHINGTON, D.C.:** Ms. Milanovich was responsible for the preparation of a transportation assessment of the Sheridan School in support of the school's renewal of their special exception approval. In conjunction with the special exception

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## **WELLS + ASSOCIATES**

Transportation Consultants ■ INNOVATION + SOLUTIONS

application, Sheridan sought a nominal increase in its enrollment cap from 226 to 230 students. The transportation assessment included an inventory of alternative transportation modes in the vicinity of the school, a description of the school's transportation operations, a summary of the school's Transportation Demand Management Plan, the anticipated increase in trip generation under the proposed student cap, and an assessment of vehicle queues on 36<sup>th</sup> Street during the AM drop-off period. The special exception application was approved by the Board of Zoning Adjustment in April 2014.

**ST. PATRICK'S EPISCOPAL DAY SCHOOL, WASHINGTON, D.C.:** Ms. Milanovich was responsible for the preparation of the traffic study prepared in conjunction with St. Patrick's Special Exception application, which requested an increase in enrollment from a cap of 440 students to a cap of 485 students at the school's Whitehaven Campus. As part of the traffic study, pedestrian and bicycle facilities on and around campus were evaluated. A detailed evaluation of the pick-up/drop-off area also was conducted. Ms. Milanovich provided expert witness testimony before the Board of Zoning Adjustment (BZA), which approved the project in December 2012.

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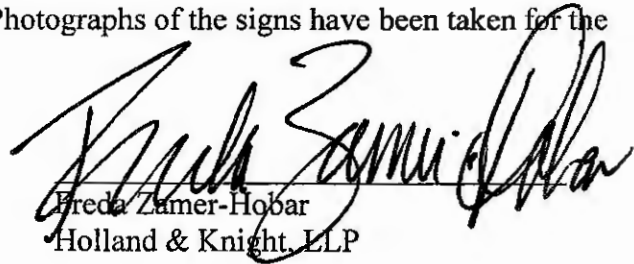
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**BEFORE THE COMMITTEE OF THE WHOLE  
OF THE DISTRICT OF COLUMBIA CITY COUNCIL**

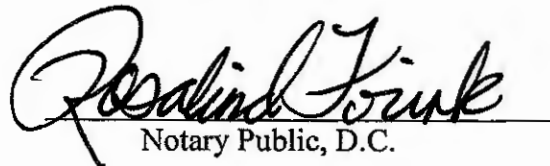
In re: S.O. 17-26363 (Alley Closing in Square 221)  
Bill #22-555

AFFIDAVIT OF POSTING FOR PROPOSED ALLEY CLOSING

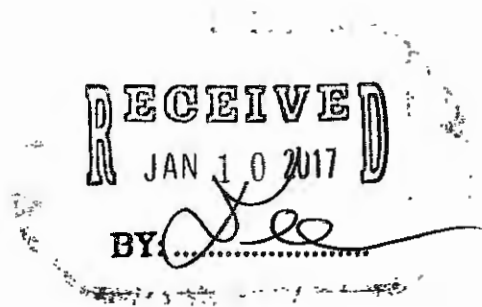
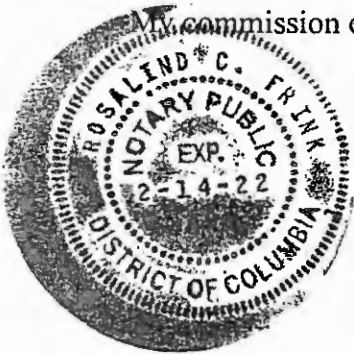
I, Freda Zamer-Hobar, on January 9, 2018 personally posted 3 public hearing notice signs furnished by the Office of the Surveyor indicating the date, time and location of the public hearing at each street frontage in Square 221. Photographs of the signs have been taken for the record and are attached 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: 12:30 PM

LOCATION: PENNSYLVANIA AVENUE, N.W.

**PUBLIC HEARING  
NOTICE**

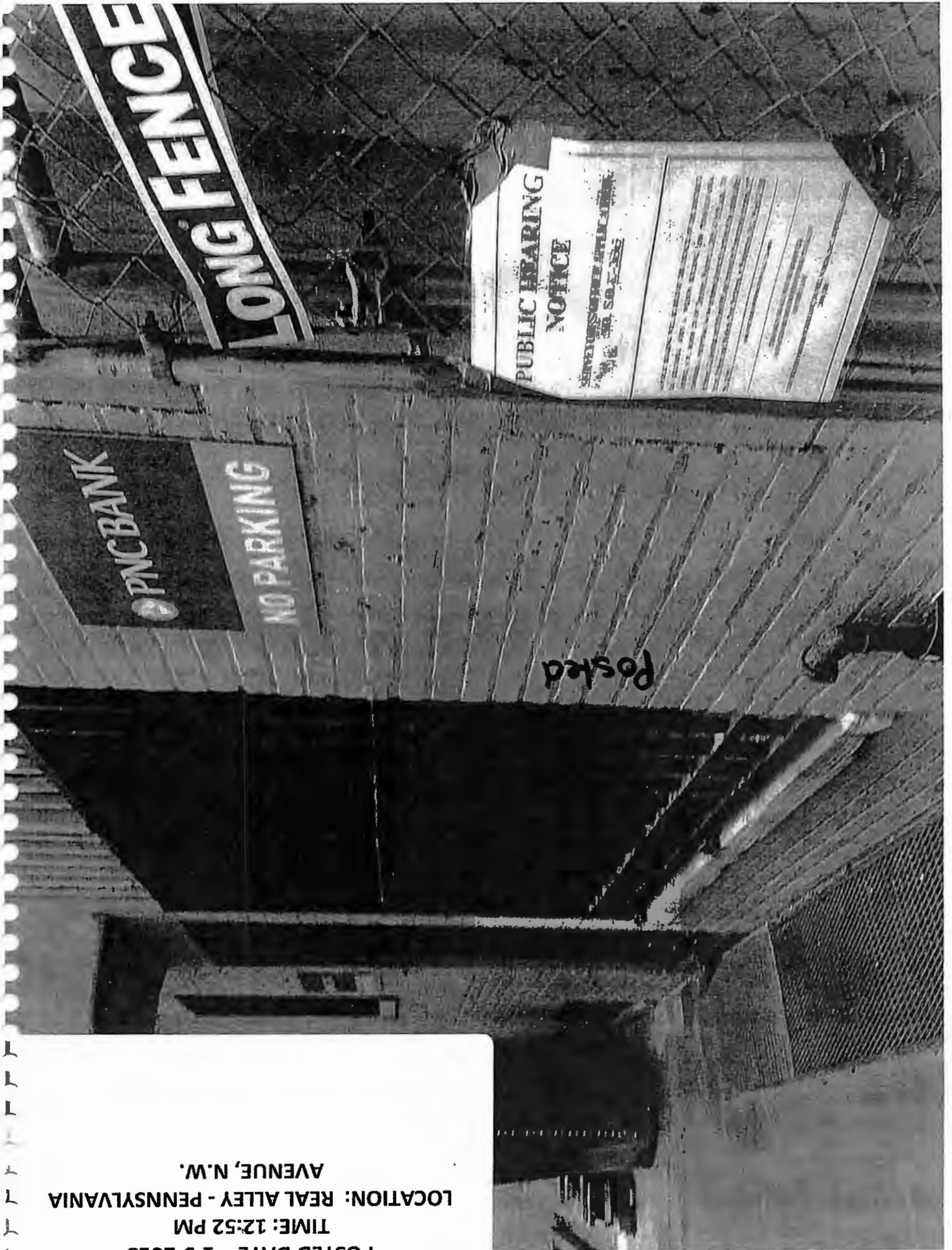
**SURVEYOR'S OFFICE APPLICATION  
NO. S.O. 17-26363**

A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, JOHN A. WILSON BUILDING, 1250 PENNSYLVANIA AVENUE, N.W., ROOM 120 ON Thursday, February 1, 2018 AT 2:00 a.m., TO CONSIDER A PROPOSAL for the proposed change of a portion of the public office to Survey 111, adjacent lots 810 and 820, and bounded by Pennsylvania Avenue, J.C. Brown, H Street and Michigan Street Northwest in Washington, D.C., Ward 2, HD No. 2233.

FOR FURTHER INFORMATION CALL 202-442-4644

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

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LOCATION: REAL ALLEY - PENNSYLVANIA  
AVENUE, N.W.

TIME: 12:52 PM

10/10/2010 12:52 PM

Posted

PUBLIC HEARING  
NOTICE

SEVENTH-COURT APPEALS  
CLERK OF SUPERIOR COURT  
NO. 09-001-0000

PNC BANK

NO PARKING

LONG FENCE



# PUBLIC HEARING NOTICE

SURVEYOR'S OFFICE APPLICATION  
NO. S.O. 17-26363

A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, JOHN A. WILSON BUILDING, 1000 PENNSYLVANIA AVENUE, N.W., ROOM 125 ON THURSDAY, FEBRUARY 22, 2018 AT 10:00 AM. CONSIDER A PROPOSAL for the proposed change of use of the property located at 2200 Madison Place, N.W. and bounded by Wisconsin Avenue, N.W., 22nd Street, N.W. and Madison Place, N.W. in the District of Columbia. For further information call 202-724-2244.

FOR FURTHER INFORMATION CALL 202-724-2244

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

THIS SIGN IS POSTED PURSUANT TO SEC. 2202.02, DISTRICT OF COLUMBIA ZONING REGULATIONS, 2001 E.E.


POSTED DATE - 1-9-2018  
TIME: 12:15 PM  
LOCATION: MADISON PLACE, N.W.

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

In re: S.O. 17-26363 (Closing of a Public Alley in Square 221)  
Bill 22-0555

**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 221 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 221. 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 23<sup>rd</sup> day of January, 2018.

  
\_\_\_\_\_  
Rosalind Frink  
Notary Public, D.C.

My commission expires: Feb. 14, 2022



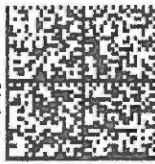
**EXHIBIT A**

**PROOF OF MAILING**



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

From: Norman M. Glasgow, Jr.  
Holland & Knight  
800 17th Street, NW, Suite 1100  
Washington, DC 20006



U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To: Island Real Estate LLC  
1510 H Street, NW  
Washington, DC 20005-1009



PS Form 3817, April 2007 PSN 7530-02-000-9065



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To: Willcap Holdings LLC  
411 Theodore Fremd Avenue  
Rye, NY 10580-1410



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Washington, DC 20006

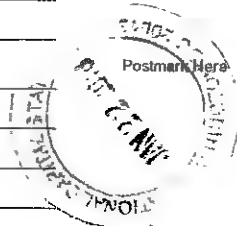


U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To: ADA LLC  
1510 H Street, NW  
#150  
Washington, DC 20005-1009



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Washington, DC 20006



U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To: 1510 H Street, LLC  
1510 H Street, NW  
Floor 5  
Washington, DC 20005-1009

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



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



U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To: Delicious Deli LLC  
1510 H Street, NW  
Unit 100  
Washington, DC 20005-1009



PS Form 3817, April 2007 PSN 7530-02-000-9065

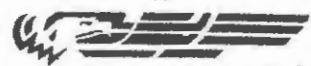


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Holland & Knight  
800 17th Street, NW, Suite 1100  
Washington, DC 20006



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02 4W  
0000341770 JAN 22 2018

To: 1440 New York Avenue  
1440 New York Avenue, NW  
Washington, DC 20005-2111

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



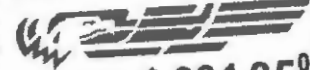
This Certificate of Mailing provides evidence that mail has been placed in a mailbox or other authorized mailing location. This form may be used for domestic and international mail.

From:

— Norman M. Glasgow, Jr.  
— Holland & Knight  
— 800 17<sup>th</sup> Street, NW, Suite 1100  
— Washington, DC 20006



U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To:

— International Association for  
— 1510 H Street, NW  
— Suite 600  
— Washington, DC 20005-1020



PS Form 3817, April 2007 PSN 7530-02-000-9065



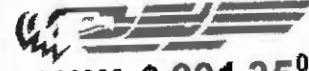
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From:

— Norman M. Glasgow, Jr.  
— Holland & Knight  
— 800 17<sup>th</sup> Street, NW, Suite 1100  
— Washington, DC 20006



U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To:

— American Society of Nephrology  
— 1510 H Street, NW  
— #700  
— Washington, DC 20005-1003



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— Washington, DC 20006



U.S. POSTAGE PITNEY BOWES



ZIP 20006 \$ 001.35<sup>0</sup>  
02 4W  
0000341770 JAN 22 2018

To:

— Turkish Coalition of America Inc.  
— 1510 H Street, NW  
— Unit 900  
— Washington, DC 20005-1003



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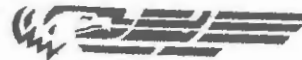


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From: **Norman M. Glasgow, Jr.**  
— **Holland & Knight**  
— **800 17<sup>th</sup> Street, NW, Suite 1100**  
— **Washington, DC 20006**

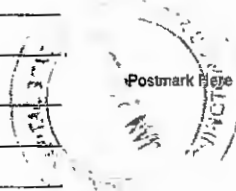


U.S. POSTAGE >> PITNEY BOWES



ZIP 20006 **\$ 001.35<sup>0</sup>**  
02 4W  
0000341770 JAN 22 2018

To: **NCRC 740 LLC**  
**727 15<sup>th</sup> Street, NW**  
**Suite 900**  
**Washington, DC 20005-6027**



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— **800 17<sup>th</sup> Street, NW, Suite 1100**  
— **Washington, DC 20006**



U.S. POSTAGE >> PITNEY BOWES



ZIP 20006 **\$ 001.35<sup>0</sup>**  
02 4W  
0000341770 JAN 22 2018

To: **15<sup>th</sup> and H Street Associates LP**  
**805 15<sup>th</sup> Street, NW**  
**Suite 230**  
**Washington, DC 20005-2207**



PS Form 3817, April 2007 PSN 7530-02-000-9065

**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](http://www.hklaw.com)

## MEMORANDUM

### VIA US MAIL

Date: January 22, 2018

To: Property Owners in Square 221

From: Holland & Knight, LLP

Re: Closing of a Public Alley in Square 221, S.O. 17-26363, 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 221 is bounded by H Street to the north, 15th Street to the east, Pennsylvania Avenue to the south, and Madison Place to the west, in Ward 2. 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 22-0555, which would order the closing of the above-referenced alley. 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 221

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

OFFICE OF THE SURVEYOR, D.C.

\_\_\_\_\_, 2017

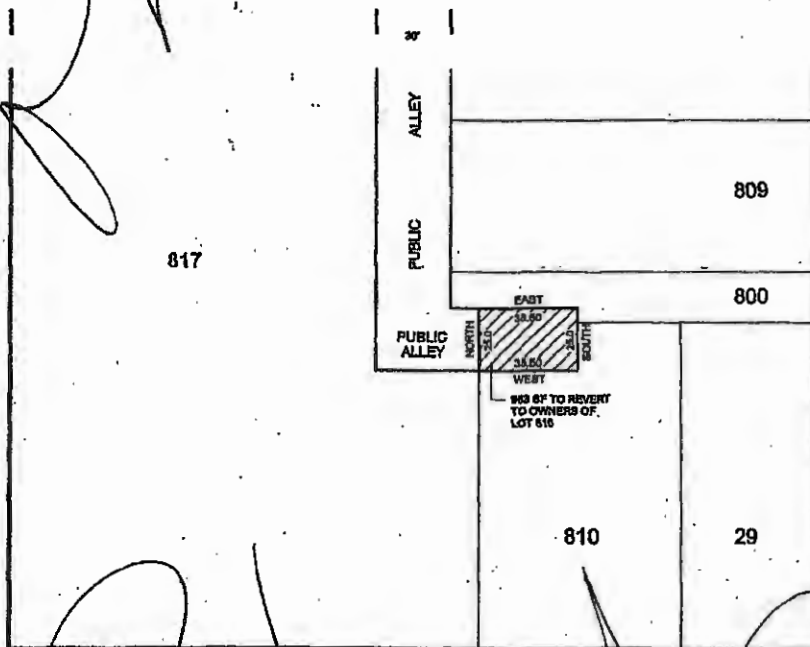
I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

\_\_\_\_\_  
SURVEYOR, D.C.

MADISON PLACE, N.W.

15th STREET, N.W.

PENNSYLVANIA AVENUE, N.W.



SURVEYOR'S OFFICE, D.C.

BY: HOLLAND & KNIGHT / N. GLASGOW

BY: L.I.E.S. Checked by: B.M.A.S.

and computerized by: B. MYERS

DATE:

Sheet No. \_\_\_\_\_ Page \_\_\_\_\_ SR-17-05904

1 inch = 30 feet File No. 17-28383

ALLEY CLOSING/SR-17-05904-SQ 221

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

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**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 3<sup>rd</sup> Street, Northeast, L Street, Northeast, M Street Northeast, 2<sup>nd</sup> 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, 15<sup>th</sup> 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](mailto: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.

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



**Public Hearing**  
**Bill No. 22-555 “Closing of**  
**a Public Alley in Square 221 – S.O. 17-26363”**

**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. 22-555, "Closing of a Public Alley in Square 221, S.O. 17-26363." This bill would order the closing of a portion of the public alley in Square 221, abutting lots 810 and 800, bounded by Pennsylvania Avenue, 15<sup>th</sup> Street, H Street, and Madison Place, Northwest in Ward 2. The bill was introduced by Councilmember Jack Evans.

**APPLICANT:**

The applicant is Granite LLC, who is represented by Holland and Knight.

**PURPOSE:**

The purpose of this application is to subdivide lots 29, 810, a portion of lot 800, and the alley to be closed into a single lot of record.

**DESCRIPTION:**

The portion of the alley to be closed was created by the Original Subdivision of the Square. It was recorded in Record Book 1 page 221 on October 11, 1792.

**TITLE:**

Title to the portion of the alley to be closed 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 963 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 \$743.75 per square foot average for a total estimated value of \$716,230.00.

**AGENCIES:**

The Executive Branch agencies were notified of this application on July 25, 2017. In a letter dated July 28, 2017, DC Water objected to this closing. D.C Water requires a recorded easement to cover its existing sewer and manhole facilities before it will remove the objection. The applicant has not yet responded to the objection. The remaining agencies have no objection to this application.

**UTILITIES:**

The utility companies were notified of this application on July 25, 2017. To-date, we have not received any comments from Washington Gas. Any comments will be forwarded when received. The remaining utility companies have no objections to this application.

**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 25, 2017. In a letter dated October 11, 2017, NCPC approved the closing of a portion of a public alley in Square 221. Pursuant to D.C. Official Code §9-202.02(5), Advisory Neighborhood Commission 2B05 was notified of this application on July 25, 2017. In a letter dated April 21, 2017, ANC 2B supported this application. Pursuant to D.C. Official Code §9-202.02(6), the abutting property owner was notified of this application on July 25, 2017. The application letter for the closing dated June 13, 2017 contained a statement of support for this proposed closing. This statement of support was from the owner of Lot 810, the abutting owner.

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

# PUBLIC ALLEY CLOSED SQUARE 221

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

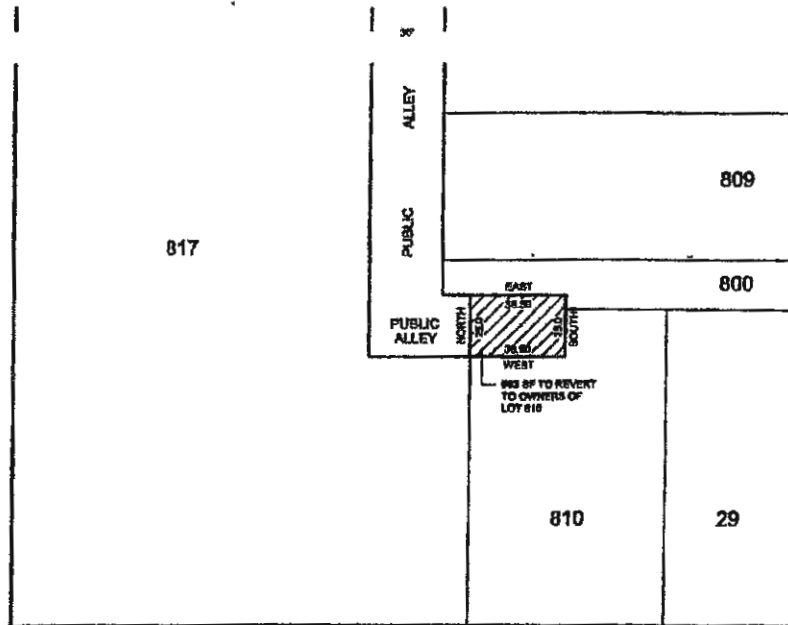
OFFICE OF THE SURVEYOR, D.C.

\_\_\_\_\_, 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

\_\_\_\_\_  
SURVEYOR, D.C.

MADISON PLACE, N.W.



15th STREET, N.W.

PENNSYLVANIA AVENUE, N.W.

SURVEYOR'S OFFICE, D.C.	
for: HOLLAND & FORTNITT/H. GLASGOW	
by: L.E.S.	Checked by: <u>SWA</u>
and computations by: <u>B. MYERS</u>	
Job no: _____	
Job in Book _____	Page _____ 87-17-08804
1 inch = 30 feet	File No. 17-28363

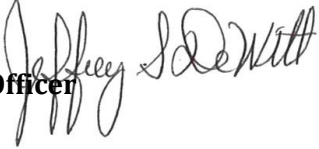
Government of the District of Columbia  
Office of the Chief Financial Officer



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 221, S.O. 17-26363, Act of 2018

**REFERENCE:** Bill 22-555, Committee Print provided to the Office of Revenue Analysis on February 27, 2018

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**Conclusion**

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

**Background**

The bill authorizes the closure of a 956 square foot portion<sup>1</sup> of the public alley system in Square 221<sup>2</sup>, which will become part of a museum and conference center development. The section to be closed provides access only to the property being developed. The closure is subject to an easement for the District of Columbia Water and Sewer Authority to access its facilities in the alley (a manhole and a catch basin), until such time the facilities are disconnected or no longer required.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the proposed bill. The alley closure has no impact on the District's budget or financial plan, and District agencies have no objections to the closure as long as the easement is provided.

---

<sup>1</sup> The 2018 assessed value of the alley being closed is \$716,230, but assets are not included in the District's budget and financial plan.

<sup>2</sup> Square 221 abuts Lots 810 and 800 bounded by Pennsylvania Avenue N.W., 15<sup>th</sup> Street H Street, N.W., and Madison Place, N.W. in Ward 2.



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

4  
5 A BILL

6  
7  
8 Bill 22-555  
9

10  
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
12

---

13  
14  
15 To order the closing of a portion of the public alley system in Square 221, bounded by  
16 Pennsylvania Avenue, N.W., 15th Street, N.W., H Street, N.W., and Madison Place,  
17 N.W., in Ward 2.  
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 221, S.O. 17-26363, 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. 787; 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 § 9-202.01 *et seq.*), the Council finds a portion of the public alley  
25 system in Square 221, as shown on the Surveyor’s plat filed in S.O. 17-26363, is unnecessary for  
26 alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

27 (b) The approval of the Council of this alley closing is contingent upon the execution and  
28 recordation of an easement for the benefit of the D.C. Water and Sewer Authority for the  
29 maintenance and operation of the manhole and catch basin located in the portion of the alley to  
30 be closed, as shown on the Surveyor’s plat filed in S.O. 17-26363; provided, that no such  
31 easement need be executed and recorded in the event that the manhole and catch basin are

1 removed, abandoned, disconnected, or otherwise rendered useless prior to the recordation of the  
2 alley closing plat by the Surveyor.

3 Sec. 3. Transmittal.

4 The Council shall transmit a copy of this act, upon its effective date, to the Office of the  
5 Surveyor.

6 Sec. 4. Fiscal impact statement.

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

10 Sec. 5. Effective date.

11 This act shall take effect upon its approval by the Mayor (or in the event of veto by the  
12 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
13 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
14 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of  
15 Columbia Register.