

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 13, 2018

SUBJECT: Bill 22-15, “Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2018”

The Committee of the Whole, to which Bill 22-15, the “Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2018”¹ was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On January 9, 2017, Bill 22-15, the “Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2017” was introduced by Councilmember Allen. Bill 22-15 would order the closing of a portion of a public alley system in Square 653, bounded by N Street, SW, Half Street, SW, and South Capitol Street, SW, in Ward 6. The land area affected by this legislation is approximately 7,147 square feet. The alley closing will facilitate the redevelopment of Lots in Square 653 for to create a new residential building with ground floor retail. Square 653 presently contains a vacant residential structure with surface parking.

¹ Introduced as the “Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2017.”

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.

There was one objection from DC Water in the S.O. record. However, as discussed earlier in this report, the Applicant has committed to abandon the 4-inch water pipe that is the source of the objection.² In a letter dated March 30, 2018, DC Water conditionally released its objection, provided that abandonment of the facilities was completed prior to recordation of the plat.³ Therefore, the Committee recommends that an additional condition be added to the alley closing legislation: that the Applicant complete the abandonment work before the recordation of the alley closing plat in the Office of the Surveyor.

DC Fire and Emergency Medical Services (“FEMS”) imposed the following conditions:

1. That no existing or newly installed fire department connections and fire hydrants may be obstructed/blocked in a way that will prevent emergency access to the adjacent properties, lots, and squares; and
2. That fire access to the adjacent properties, lots, and squares may not be compromised and must be maintained and/or developed in accordance with the Fire Code.

² Letter from 1319 South Capitol Associated, LLC, to Kevin Harney, DC Water and Sewer Authority (Mar. 29, 2017) (attached to report).

³ Letter from Kevin Harney, DC Water and Sewer Authority, to Roland Dreist, Surveyor of the District of Columbia (Mar. 30, 2017) (attached to report).

The Act establishes notice requirements for street and alley closing legislation. The Council is required to publish notice of a street or alley closing in the *District of Columbia Register*. Further, the Applicant is required to give written notice to all Property owners abutting a block or alley affected by the proposed street or alley closure. The Applicant is also required to post signs at each end of a block or each entrance to an alley affected by the street or alley closing legislation. The Applicant is required to give the Council certification of compliance with these requirements. Regarding Bill 22-15, 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.

Redevelopment Project within Square 653

The proposed public alley closing is located in Square 356 at 1319 South Capitol Street, SW, owned by 1319 South Capitol Associates, LLC in Ward 6. The single L-shaped alley system is comprised of a 16-foot wide north-south segment that connects to N Street, SW to the north; and a 10-foot wide east-west segment that connects to South Capitol to the east. The proposed development comprises lots 811, 15, 14, 830, and 70, plus the portion of the alley to be closed (the "Site"). The site contains a vacant residential structure with surface parking.

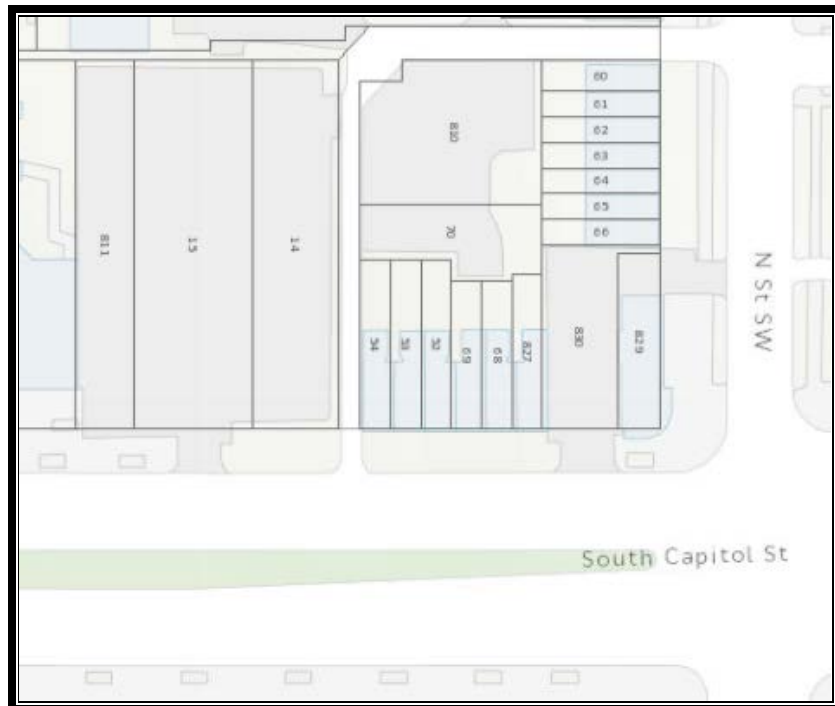
The Applicant plans to construct 230 residential units. The development will include 2,569 square feet of retail space on the ground floor. Approximately 22 IZ units will be included (note: IZ is triggered by the addition that requires the alley closing). The Applicant requests that the entire closed public alley revert to Lot 14, which would be combined into a single lot of record for the development of the Site. Vehicles would access the Site from the existing 16" public alley at the rear and a portion of the existing 10" alley would remain open to allow pedestrian access from South Capitol Street S.W. The proposed development includes 69 vehicle parking spaces in a single-story garage below grade. The development is "by right."

Concerns Addressed in Relation to the Alley Closure

The Committee received testimony from concerned residents of property abutting the site. There were two primary concerns raised. First, there was concern that closing the alley would not maintain public access through the square. However, the Applicant testified that the alley configuration would be maintained via a 16-foot tall easement over a portion of the existing alley. The original alley closing application was filed without such an easement. According to the Applicant, the modification was the result of work with the community, specifically ANC 6D which requested the easement to ensure the alley could be used in perpetuity.

The second concern is that the Applicant may raze a number of rowhomes adjacent to the development on N Street and South Capitol Street. The applicant owns a number of the lots in the square that are in addition to the proposed development. Lots 53 and 54 are proposed to be a park to act as a buffer between the existing alley and the adjacent residential lots. The Applicant also currently owns lots 60, 61, 62, 63, 64, and 68.⁴ At the time of the hearing, the Applicant did not own lot 63, however, the previous owner submitted a letter of support for the project.⁵ According to the Applicant, the use of those lots and the rowhouses contained therein have not been finalized. If the lots were to become a part of the development, the Applicant stated that the design would have to be finalized by the Zoning Commission as part of design review of the overall record new lot that would front on South Capitol street. The owners of lots 52, 65, 66, 69, 827, 829, and 830 in the square all submitted a petition in support of the alley closure. In addition, many of the existing rowhomes in the square, including those owned by the Applicant, are the subject of a pending historic landmark nomination.⁶

Figure A: Northeast Portion of Square 653



On June 13, 2016, the Applicant, the ANC 6D Chairman, and President of the Southwest Renaissance Development Corporation signed a cooperative agreement that provides for the easement contained in the committee print, maintenance and public use of the existing alley until the start of construction, security cameras on the finished new alley easement, and artwork to be

⁴ District of Columbia Real Property Tax Database (October 20, 2018).

⁵ Letter from Darin Waver to Chairman Phil Mendelson, Chairperson, Committee of the Whole (Apr. 12, 2017) (attached to report).

⁶ DC Office of Planning, *Pending Nominations to the DC Inventory*, Case 17-11 SQUARE 653 - LOTS 52-54,60-66, 68,69, AND 827 (Oct. 20, 2018, 1:07 PM), <https://planning.dc.gov/node/1235796>.

installed along the walls of the new easement. Finally, all adjacent property owners also executed agreements with the Applicant in late 2017 providing for various conditions during construction of the project.⁷

Need for Alley Closure

The alley closing is necessary to allow for a proposed mixed-use residential project. The Applicant owns all of the property abutting the alley to be close, and the closing will allow for subdivision of the individual lots into a single record lot with street frontage on South Capitol Street. The Applicant will dedicate a perpetual surface easement with a 16” high clearance over the closed portion of the alley to allow continued pedestrian access to the rear of the existing structures on South Capitol Street south of the Site.

Pursuant to Bill 22-15, the closing of the portion of the alley within Square 653 will facilitate mixed-use development of the site, while maintaining public access to the current alley layout through a 16-foot tall easement over the existing alley configuration. Therefore, the Committee recommends approval of Bill 22-15 as reflected in the Committee Print.

II. LEGISLATIVE CHRONOLOGY

- | | |
|-------------------|--|
| January 9, 2017 | Bill 22-15, the “Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2017” is introduced by Chairman Mendelson at the request of the Mayor. |
| January 13, 2017 | Notice of Intent to Act on Bill 22-15 is published in the <i>District of Columbia Register</i> . |
| January 24, 2017 | Bill 22-15 is “read” at the January 24, 2017 Regular Meeting of the Committee of the Whole and the referral to the Committee of the Whole is official. |
| March 10, 2017 | Notice of a Public Hearing on Bill 22-15 is published in the <i>District of Columbia Register</i> . |
| March 30, 2017 | The Committee of the Whole holds a public hearing on Bill 22-15. |
| November 13, 2018 | The Committee of the Whole marks-up Bill 22-15. |

III. POSITION OF THE EXECUTIVE

Roland Driest, the Surveyor for the District of Columbia, presented the Executive Branch testimony in support of Bill 22-15. His testimony is summarized below.

⁷ On file with the Surveyor as part of the Surveyor’s file on S.O. 15-26384.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter dated September 8, 2016, ANC 6D approved a resolution, by a unanimous vote of 7-0, in support of the closure of a portion of the alley in Square 653, with a condition, which is included in Bill 22-15. The letter is attached to this report.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

By delegated action of the Executive Director, dated September 1, 2016, the Executive Director of the National Capital Planning Commission (“NCPC”) found that the proposed alley closing in Square 653 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 two bills, including Bill 22-15, on Thursday, March 30, 2017. The testimony summarized below is from that hearing specific to Bill 22-15. Copies of written testimony are attached to this report.

Mary Williams, Public Witness, testified in opposition to Bill 22-15 stating that it would create a safety issue for nearby residents and add to the traffic congestion in the area.

Rhonda Hamilton, Commissioner, ANC 6D06, testified in opposition to Bill 22-15 expressing concern over the existing rowhomes and whether they may be razed.

Christine Shiker, Holland & Knight, LLP, represents the Applicant and testified in support of Bill 22-15. She explained that the purpose of the proposed alley closing is to close a 1,147 square foot portion of the alley and replace it with an easement over the current alley configuration to a height of 16 feet. She also summarized the development project and its many benefits to the District.

Jeff Goins, PGN Architects, testified in support of Bill 22-15 and described the plans for the development project, including the demolition of two rowhomes to create a buffer space between the development and other rowhomes.

Erwin Andres, Gorove/Slade Associates, Inc., testified in support of Bill 22-15 and described the transportation planning and review for the development project. He emphasized that the alley configuration will not change and that the alley already has limited access due to N Street, SW being a one-way street westbound, and the median that only allows access from southbound South Capitol Street. He reiterated that the functionality would be maintained and that the proposed 16 foot vertical clearance was adequate for trucks and FEMS vehicles.

Stan Marks, Ronald D. Paul Companies, represents the owners of the property, 1319 South Capitol Associates, LLC, testified in support of Bill 22-15 and explained the project boundaries and potential uses of adjacent properties owned or to be acquired by the Applicant.

Roland Dreist, Surveyor for the District of Columbia testified that the purpose of the closing is to allow for the consolidation of lots and the development of a residential building with ground floor retail. He emphasized that a non-restrictive public use easement will be recorded over the closed portion to a height of 16 feet. Mr. Dreist also testified that the Executive Branch agencies and utility companies have no objections to the Application, with the exception of DC Water as discussed earlier in this report.

The Committee received no other testimony or comments in opposition to Bill 22-15.

VII. IMPACT ON EXISTING LAW

Bill 22-15 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 22-15, the Committee finds that the requirements of the Act have been satisfied.⁸

VIII. FISCAL IMPACT

The attached November 9, 2018 fiscal impact statement states that funds are sufficient in the FY 2019 through FY 2022 budget and financial plan to implement Bill 22-15. The statement also notes that Bill 22-15 “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 \$344,100.

IX. SECTION-BY-SECTION ANALYSIS

Section 1 Short title.

Section 2 (a) The Council finds the portion of the public alley unnecessary for alley purposes and orders it closed, with the title to the land to vest as shown on the Surveyor’s Plat.

(b) States that the approval of the alley closing is contingent upon satisfaction of all conditions set forth in the Surveyor’s file and Bill 22-15, including a non-restrictive public use easement that ensures public access

⁸ D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2016).

and use of the portion of alley to be closed, and approval of abandonment of a water utility before the plat can be recorded.

- 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

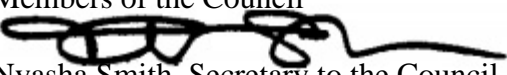
XI. ATTACHMENTS

1. Bill 22-15 as introduced (without attachments).
2. Statement of the applicant (without attachments).
3. Written Testimony and comments.
4. Letters from ANC 6D and NCPC.
5. Surveyor's Plat and aerial view of site location and context.
6. Fiscal Impact Statement for Bill 22-15.
7. Legal Sufficiency Determination for Bill 22-15.
8. Committee Print for Bill 22-15.

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

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : January 10, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, January 9, 2017. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2017",
B22-0015

INTRODUCED BY: Councilmember Allen

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

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of a portion of the public alley system in Square 653, bounded by N Street, S.W., Half Street, S.W., O Street, S.W., and South Capitol Street, S.W. in Ward 6.

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 653, S.O. 15-26384, Act of 2017".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4-201; D.C. Official Code §9-202.01 *et seq.*), the Council finds the portion of the public alley system in Square 653, as shown on the Surveyor's plat in S.O. 15-26384, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The approval of the Council of this alley closing is contingent upon:(1) The recordation of a covenant establishing new portions of the alley system by easement as shown on the Surveyor's plat in S.O. 15-26384 that includes an agreement by the owner of the property encumbered by the easement to maintain such new portions of the alley system; and

32 (2) The satisfaction of all conditions in the official file for S.O. 15-26384 before
33 the recordation of the alley closing.

34 Sec. 3. Transmittal.

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

37 Sec. 4. Fiscal impact statement.

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

41 Sec. 5. Effective date.

42 This act shall take effect upon its approval by the Mayor (or in the event of veto by the
43 Mayor, action by the Council to override the veto), and a 30-day period of congressional review
44 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
45 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1) and publication in the District of
46 Columbia Register.

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

Application of Altus Realty Partners, LLC

Closing of a Public Alley in Square 653
S.O. 15-26384
Bill 22-15

STATEMENT OF THE APPLICANT

I.

Introduction

Altus Realty Partners, LLC (the "Applicant") hereby requests the closing of a portion of the public alley system in Square 653 pursuant to D.C. Code § 9-202.01, *et seq.* Bill 22-15, a copy of which is attached as Exhibit A, was introduced by Councilmember Allen to effectuate the proposed alley closing. The portion of the alley to be closed will be reestablished by easement for public alley purposes to provide permanent access through the square in the same manner as the current alley configuration. The alley closing is necessary to allow for the consolidation of Lots 14, 15, 53, 54, 70, 810, and 811 in Square 653 (the "Site"), and the development of a mixed-use building on the Site with frontage on South Capitol Street. A copy of the alley closing plat showing the portion of the alley to be closed and the surface easement to be established is attached as Exhibit B.

As described herein, this application meets the statutory requirements for approval pursuant to D.C. Code § 9-202.01 because the portion of the alley to be closed is not necessary for public alley purposes. Square 653 contains a single L-shaped alley system, with a 16-foot wide north-south alley segment connecting to N Street, SW to the north, and a 10-foot wide east-west alley segment connecting to South Capitol Street to the east. The Applicant proposes to close a 1,147-square foot portion of the east-west alley segment.

The proposed closure will not impact traffic flow within the square because all vehicular access to the proposed project will be taken from the existing north-south alley segment accessed from N Street, which will remain open. Access to other properties in the Square will also not be impacted because (i) a portion of the east-west alley segment with access to South Capitol Street will remain open, and (ii) the portion of the east-west alley segment to be closed will be reestablished as a surface alley easement in the exact same location as the alley segment to be closed.

The alley closing is necessary to allow the proposed mixed-use residential project to move forward. The Applicant owns all of the property abutting the alley to be closed, and the alley closing will allow the Applicant to subdivide the individual lots into a single record lot with street frontage on South Capitol Street. The Applicant can then develop the interior lots as a single project. As described in detail below, the project advances many of the District's policies and goals for the city, including the development of new housing, including affordable housing, and neighborhood-serving retail on an underutilized, infill site adjacent to multiple public transportation options. The project will also complete the block of development across from Nationals Stadium, converting primarily surface parking to residential use.

II.

Background and Proposed Development

The Site is located in Square 653, which is bounded by N Street, S.W. to the north, South Capitol Street to the east, O Street, S.W. to the south, and Half Street, S.W. to the west. The Site is located in the CG-2 Zone District and will be developed following design review by the District of Columbia Zoning Commission in accordance with 11-K DCMR § 512.

The Site is presently improved with surface parking and vacant residential structures. The Site is surrounded by a variety of uses, including Nationals Park directly across South Capitol

Street to the east; The Yards Park and the Navy Yard commercial district farther to the east; residential uses in the form of large mixed-use apartment houses, lower-density multiple dwelling buildings, and row dwellings to the north and west; and Buzzards Point and the Fort McNair Army base to the south.

The alley closing is necessary to allow for the consolidation of the lots within the Site and the development of a new residential building with ground floor retail. The project will contain approximately 213,000 square feet of total gross floor area (6.23 floor area ratio (“FAR”)) and a maximum building height of 110 feet. The Project will include approximately 230 residential units and approximately 3,000 square feet of gross floor area devoted to retail use. The Applicant will dedicate a minimum of 8% of the residential gross floor area to Inclusionary Zoning (“IZ”) units, resulting in approximately 22 total IZ units, all of which will be set aside for households earning up to 60% of the Median Family Income (“MFI”) for a rental project. Any units that result from penthouse habitable space will be set aside for households earning up to 50% of the MFI, consistent with Subtitle C § 1003 of the Zoning Regulations. The proposed development is hereinafter referred to as the “Project.”

The primary residential and retail entrances to the Project will be on South Capitol Street. Retail space will line the majority of the South Capitol Street frontage, with the residential entry at the southern-most portion of the building, together creating an activated and pedestrian-friendly space. Approximately 69 parking spaces will be located in the parking garage, which will be accessed from the existing 16-foot wide north-south alley segment connected to N Street, SW. Loading facilities will be located on the ground floor of the building and will be accessed from the same north-south public alley. The proposed building will be setback from this north-south alley,

creating additional maneuvering space for vehicles accessing the parking garage and loading facilities.

In order to permit the Project to move forward, the Applicant proposes to close a 1,147 square foot portion of the public alley system in the center of Square 653, and to reestablish a surface alley easement in the exact same location and with the exact same dimensions as the portion of the alley to be closed (the "Alley Easement"). The Alley Easement will be a surface easement with a clear height of 16 feet above the surface of the Alley Easement. No improvements will be located within the Alley Easement, except as otherwise permitted in public space.

The alley closing application was originally filed without the proposed Alley Easement. By letter dated July 7, 2016, the Applicant filed a request to modify the alley closing application to include the establishment of the Alley Easement. The modification was the result of the Applicant's work with the community, including Advisory Neighborhood Commission ("ANC") 6D, which specifically requested that the Applicant establish the Alley Easement to ensure that the closed portion of the public alley is used for alley purposes in perpetuity. The Alley Easement will be incorporated into the alley closing legislation, will be recorded in the Land Records as part of the alley closing covenant, and will be recorded in the records of the Office of the Surveyor as part of the alley closing plat.

The Applicant reserves the right to incorporate improvements below and above the Alley Easement. The Project will be constructed on top of the closed portion of the alley, with a minimum of 16-feet clear above the Alley Easement. A single story garage is proposed below grade, with limited circulation and egress components below the alley. As described below, through negotiations with ANC 6D, the Applicant has agreed to maintain and significantly improve the Alley Easement by installing a security system to promote a safe and secure environment in the

alley, and incorporating a mural or other decorative art along the north and south boundary walls of the Alley Easement.

The alley closing will not disrupt the public alley system or impact traffic flow within the square because all vehicular access to the Project will be taken from the existing north-south alley segment accessed from N Street, which will remain open. Access to other properties in the Square will also not be impacted because the east-west alley segment will either remain open or will be rededicated as the Alley Easement.

III. Review by District Agencies and Utilities

The proposed alley closing has been reviewed in detail by the affected District of Columbia agencies and public utilities. These agencies and utility companies have all stated no objection to the proposed alley closing application (*see* Exhibit C through Exhibit I), except for DC Water, which has approved an abandonment plan for the existing facilities in the alley, but has not yet submitted a letter removing its objection, which is further discussed below. In some cases, the agency and utility reports attached in Exhibit C through Exhibit I include reports approving the application twice: once for the original application without the Alley Easement, and once for the modified application including the Alley Easement.

In its report dated July 26, 2016, the Office of Planning indicated that it had no objection to the application (Exhibit C). By report dated September 26, 2016, DDOT also indicated no objection to the alley closing request (Exhibit D). By delegated action dated September 1, 2016, the National Capital Planning Commission (“NCPC”) found that the proposed alley closing is “not

inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital” (Exhibit E).

In the response from the DC Fire and Emergency Medical Services (“FEMS”) Department (Exhibit F), the FEMS Office of the Fire Marshal stated no objection to the alley closure if the following requirements are adhered to: (1) no existing or newly installed fire department connections and fire hydrants may be obstructed/blocked in a way that will prevent emergency access to the adjacent properties, lots, and squares; and (2) fire access to the adjacent properties, lots, and squares may not be compromised and must be maintained and/or developed in accordance with Chapter 5, Fire Service Features, § 503 “Fire Apparatus Access Roads,” and Appendix D of the Fire Code (2012 ed. International Fire Code). By this submission, the Applicant confirms that it will adhere to those two stated requirements.

As set forth in Exhibit G, DC Water initially objected to the alley closing application due to the existence of a 4” cast iron water main in the alley.¹ The Applicant has worked closely with DC Water relating to the water main, and the Applicant has agreed to abandon the water main pursuant to an abandonment plan approved by DC Water. However, the Applicant cannot complete the abandonment work until the alley closing legislation is approved. Once the legislation is approved, but before the alley is officially closed by virtue of the recordation of the subdivision plat, the Applicant will complete the abandonment work. Therefore, the Applicant requests that the alley closing application be approved, on the condition that the Applicant abandon the water main prior to the recordation of the alley closing plat.

Based on the above-mentioned recommendations of the District agencies and utility companies, and the Applicant’s commitments therein, the Applicant submits that the proposed

¹ This water main was incorrectly identified as an 8” cast iron water main in the DC Water objection letter; however, based on subsequent meetings and research, it has been confirmed to be a 4” cast iron water main.

alley closing and Alley Easement will have no adverse impact on the present transportation conditions within the surrounding areas.

IV.
Work with the Community

The Applicant has worked extensively with the community, including ANC 6D, and is pleased to have support for the alley closing application. On June 13, 2016, at its regularly scheduled, duly noticed public meeting, with a quorum of commissioners and the public present, ANC 6D voted 7-0-0 to support the alley closing. A copy of the ANC's letter of support is attached as Exhibit J. The ANC's support was based on conditions set forth in the signed Cooperative Agreement (included in Exhibit J), wherein the Applicant agreed to (i) establish the Alley Easement; (ii) take responsibility for all upkeep and maintenance of the alley prior to construction of the Project, including providing trash receptacles and maintaining the existing fence and trees; (iii) install a security system on private property in the alley upon completion of construction of the Project to promote a safe and secure alley environment; and (iv) subject to approval by applicable District agencies, install a mural or other decorative art scheme along the north and south boundary walls of the Alley Easement.

The Applicant has also worked with property owners in the square, including the Syphax Village Condominium and individual property owners. The Applicant will continue to work with ANC 6D and the affected homeowners and businesses in the Square before, during, and after construction of the Project.

V.
Compliance with the Comprehensive Plan

The Project and associated alley closing application is fully consistent with the District of Columbia Comprehensive Plan. The Comprehensive Plan Future Land Use Map designates the

Property in the mixed-use Moderate Density Commercial and Medium Density Residential land use categories (*see Exhibit K*). The Comprehensive Plan Generalized Policy Map designates the Site as being in a Land Use Change Area (*see Exhibit L*). As described in the Comprehensive Plan Analysis attached as Exhibit M, the Project is consistent with the Future Land Use and Generalized Policy Maps' designations for the Property. Moreover, as further set forth in Exhibit M, the Project is also consistent with many Guiding Principles and Major Elements of the Comprehensive Plan.

VI.

Compliance with the Street and Alley Closing and Acquisition Procedures Act (D.C. Code § 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 § 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 necessary to allow for the consolidation of lots and the development of a residential building with ground floor retail. All vehicular access to the Project will be taken from the existing 16-foot wide, north-south public alley accessed from N Street. A portion of the 10-foot wide, east-west alley system will remain open from South Capitol Street, and the portion of the east-west alley to be closed will be rededicated by easement to allow for continued vehicular use, if necessary.

The Applicant conducted traffic counts in the alley and found that the portion of the alley to be closed is rarely used by vehicles, and in fact used by pedestrians at double the rate of vehicular use. Through development of the Project, the Applicant will significantly improve the pedestrian experience in the alley and will also ensure that vehicles can continue to utilize the alley system, albeit infrequently, in the exact same manner as they do today. Moreover, the Project will create additional room for vehicles maneuvering in the alley by providing additional building setbacks at

the ground level along the north-south alley segment where access to the Project is provided. Therefore, not only will the alley closing have no impact on the existing alley circulation, but it will enhance the current site conditions to create a significantly improved alley system and upgraded public spaces.

B. The Proposed Closing Implements District Planning Objectives

The proposed closure is necessary to allow for the construction of the Project with frontage on South Capitol Street. As discussed in detail in the Comprehensive Plan analysis (Exhibit M), the Project is consistent with the Future Land Use and Generalized Policy Maps and with many of the Guiding Principles and Major Elements of the Comprehensive Plan. Development of the Project will fulfil many of the Districts goals and objectives for creating new housing and affordable housing, incorporating neighborhood-serving retail uses into mixed-use buildings, constructing infill development projects in transit-oriented locations, and upgrading sidewalks and streetscapes to enhance the pedestrian experience and safety in the District.

Finally, as stated previously, the alley closing application has been reviewed in detail by the affected District of Columbia agencies and public utilities, and these agencies and utilities have indicated no objection to the proposed alley closing, with the exception of DC Water, which will remove their objection following the abandonment work.

C. Economic Impacts of the Alley Closing and the Project

The Project will result in increased tax revenues for the District and will create new jobs for District residents. With development of the overall Project, the increase in potential annual real property taxes is estimated to be more than five times the current amount (more than \$850,000.00 annually). The Project will also generate additional revenue from income taxes, sales taxes, personal property taxes and associated franchise, utility and excised taxes. Finally, the Project will

result in significant benefits to the alley system, including upgraded maintenance, security features, and public art.

Therefore, as set forth herein, the portion of the alley to be closed is not necessary for alley purposes, will allow for the development of a Project that will implement District planning objectives, increase revenue to the District, and significantly improve current site conditions.

VII.
Witnesses

1. Christine M. Shiker, Esq.
Representing the Applicant
Holland & Knight LLP
800 17th Street, NW
Suite 1100
Washington, DC 20006
(202) 955-3000

2. Jeff Goins
PGN Architects
210 7th Street, SE
Washington, DC, 20003
(202) 822-5995

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

VIII.
Exhibits

- Exhibit A: Bill 22-15
- Exhibit B: Plat Showing Public Alley Closed and Alley Easement Established
- Exhibit C: Reports from Office of Planning
- Exhibit D: Report from District Department of Transportation
- Exhibit E: Responses from the National Capital Planning Commission
- Exhibit F: Responses from the Fire and Emergency Medical Services Department
- Exhibit G: Reports and Correspondence with DC Water
- Exhibit H: Reports from other District Agencies (Department of Housing and Community Development, Department of Public Works Solid Waste Management Administration)
- Exhibit I: Reports from Utilities (PEPCO, Verizon, Washington Gas)
- Exhibit J: Letter of Support from Advisory Neighborhood Commission 6D and Cooperative Agreement
- 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: Analysis of Consistency with the Comprehensive Plan
- Exhibit N: Outlines of Witness Testimony
- Exhibit O: Resumes of Architect and Traffic Consultant
- Exhibit P: Architectural Plans and Elevations
- Exhibit Q: Affidavit of Notice and Affidavit of Posting

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: Christy Shiker JB.
Christine Moseley Shiker
Jessica Raabe Bloomfield
800 17th Street, N.W.
Suite 1100
Washington, DC 20006

TESTIMONY ON THE PETITION FOR CLOSING OF THE PUBLIC ALLEY IN THE 1300 BLOCK OF CARROLLSBURG PLACE SW

My name is Mary C. Williams. I live at 1257 Carrollsburg Place SW, which is directly across from the public alley that is being considered by the Council for closing. While my house does not abut the alley, it is immediately adjacent to the intersection of N St. and the alley opening. My neighbors and I along the 1200 block of Carrollsburg Place SW use this alley as our emergency egress to South Capitol Street whenever traffic is blocked west of our neighborhood at N St. and Half St. SW.

And this public alley has become critical and essential to our neighborhood safety in light of the traffic congestion at this intersection of N St. and South Capitol due to the Nationals Ballpark and the construction of the new Douglass bridge and soccer stadium.

Our SW neighborhood, which was once a quiet pedestrian-friendly area, is comprised of mostly modest, two-storied rowhouses built in 1909, and a few newly-constructed condominiums. We have three public housing projects that are adjacent to our homes and the Greenleaf Recreation Center is 3 blocks away from this alley. There is no available street parking on any uneventful day. The narrow sidewalks cannot contain the number of pedestrians, mostly children. When you consider the additional 15,000 to 20,000 soccer fans that will soon crowd these narrow sidewalks next spring, every crack and crevice will be required to ensure the safe passage of these pedestrians.

The current traffic and pedestrian situation is near the point of impassable on baseball game days or whenever there is an event at the Navy Yard or on game days. To close off another public avenue to use appears to be an uninformed and potentially disastrous move for our neighborhood.

Though the current ANC 6D may have approved the temporary closing of this alley, commissioners but almost all of our SW residents – and include anyone who has ever had to drive or walk through this area during peak hours traffic can only be described as horrendous. ANC Chair Andy Litsky has repeatedly declared the transportation plan a disaster. Mr. Litsky and my ANC commissioners have been led to believe that this closing is temporary. There is nothing temporary about the construction of a multi-story apartment complex that includes use of our much needed public alley space as an entranceway to their planned garage and for service vehicles. Can you imagine the number of cars and service vehicles that will be added to our already congested neighborhood and the noise of this traffic outside my bedroom window each day? I might as well live on South Capitol street because this development will add the same number of cars and service vehicles.

While the ANC view our transportation plan as a disaster, I have concluded that there is no transportation plan, partly because all of the agency directors who either approved this petition for closing or who didn't bother responding for whatever reason – therefore giving their consent -- would not have rubber-stamped this petition without realizing the resulting problems.

This alley serves a valuable public safety purpose because it provides police and fire access to off-street and South Capitol when it is congested. I do not think that the agencies charged with reviewing this petition complied with the DCMR Rules 24-1400 . I won't go into all of the failures here.

But please know that I have a very personal interest in seeing that this alley remain in the public use. It is located across from my home. The developer's plan to construct another multi-story apartment complex by combining the two adjacent parcels by taking this alley will destroy our residential

neighborhood and will tower over our homes, blocking out sun and views of the water. Another multi-story rental apartment building will dramatically increase the transient population in a neighborhood that needs stability. The rental population will overwhelm the number of homeowners and contribute to the neighborhood's decline because big rental buildings rarely engage in the community and add to a family friendly environment. It is totally unlikely that current SW residents will be flocking to this planned development.

This planned rental building will add to our on-street parking issues. While the developer claims to have a parking garage, which is why they want to use the public alley space as its entrance without losing any of their square footage, it is almost certain that few residents will fork over \$200 or \$250 extra each month when they will circumvent the rules by taking up street parking needed for existing residents. Camden South has a similar issue in the 1400 block of Carrollsburg Place SW. Residents of their multi-story are now parking along the street. There is no enforcement of the registration restriction, so we cannot approve this development as it is presented.

Finally, while this city cannot afford to relinquish any more of our public space to private development that almost certainly will add to an already disastrous transportation plan, there is a much more important reason: This plan does not comply with the city's vision for the South Capitol boulevard area, which was approved in the early 2000s.

As an ANC Commissioner, my colleagues and I attended many meetings with zoning and transportation officials who adopted the South Capitol Gateway plan. This plan was adopted to create a dramatic worldly grand entrance to our Nation's Capitol and provide a beautiful frame for our Capitol building and dome. The plan called for the creation of a tree-lined boulevard with an assortment of retail shops and sidewalk restaurants that welcomed visitors and pedestrians into a friendly city.

South Capitol Street is not even close to being a grand boulevard. And it certainly will not be a pedestrian-friendly thorough-fare lined by shops and restaurants if this city continues to approve multi-story rental apartments in this area. There is no other main artery in this city that has been subjected to this sort of over-development. Capitol Hill has successfully curtailed the development near Eastern Market. We, in Southwest, demand the same consideration and adherence to the South Capitol Gateway plan. The closing of the public alley will not serve the existing residential community but will create a development that will endanger the pedestrian community by adding to an already congested and dysfunctional traffic situation at the corner intersection of Nationals Park and our neighborhood.

On behalf of the 245 residents living in the 1200 block of Carrollsburg Place SW and Half St. SW, I ask that this committee recommend that the Council reject the petition to close this alley because it will create a safety issue for nearby residents and add to the traffic congestion in this location. Thank you.

Respectfully submitted,

Mary C. Williams
1257 Carrollsburg Place SW
DC 20024
202-488-0869



Near Southeast/Southwest
Advisory Neighborhood Commission 6D

March 28, 2017

1101 Fourth Street, SW
Suite W130
Washington, DC 20024
202.554.1795

COMMISSIONER

SMD 6 - Rhonda Hamilton
Email: msrhonda@yahoo.com
(202) 316-5827

To: Committee of the Whole

VIA E-MAIL: cow@dcccouncil.us

Cc': Pandi Powell

RE: B22-15, "Closing of Public Alley in Square 653 S.O.15-26384, Act of 29017." (1300 block of South Capitol St., SW)

Dear Chairman Mendelson and Council Members:

I am the ANC Commissioner who represents 6D06. The South Capitol Street alley is in my single member district. I know that you all are aware that ANC 6D passed a resolution on September 8th of 2016 in support of the alley closing by Altus Realty Partners and rededication as a public easement with full public access upon completion of their project. The support for the proposal had several stipulations including that Altus work with the affected homeowners and businesses pre and post closing of the alley and the construction of the easement. It was also contingent upon the Council findings that the creation of the easement doesn't pose a hardship or unnecessary burden on the affected homeowners whose properties are closest to the alley and Altus' site at 1319 South Capitol Street, SW.

I am concerned about the willingness of the developers to work with the affected homeowners. Altus and its development partners own 5 homes along N & South Capitol Street. When we were meeting with the developers to discuss the alley closing, they were in the process of trying to purchase the homes near their site. We also discussed with them the possibility of coffee shop and even a park being created where the existing homes are that they own. Some of the residents expressed the desire for them not to tear the homes down because of the value and character that they bring to the block along with the other existing homes. The developers were not really clear at that time as to what their ultimate intentions were as far as the homes that they purchased and wanted to purchase. They were also still meeting and having individual discussions with the homeowners to try to convince them to sale their properties. However, they expressed the desire to continue to work with the residents. At this point, their attitudes toward the community appear to have changed. They also have permits to raze their homes. It is my understanding that they want to remove

several of the homes to widen the alley and not have to bear the responsibility for the upkeep and maintenance of the homes. One of the homes that they want to tear down is located in the middle of the homes of the existing homeowners. It does not make sense to tear down these homes without a plan that ensures the existing homes are not going to be damaged or devalued as a result of them razing the homes that they own. I know that this hearing is about the alley closing and not the homes that the developer owns. However, the developers begin the process of working with the community when they asked for the alley closure and I think that they should continue this process before they raze the homes to widen the alley as a show of good faith. They gave the impression that they would continue to work with us and show respect for the existing homeowners.

I feel that they should continue these efforts prior to the Council making a final decision on this alley closure. I am also concerned about the appearance that Altrus and its partners are using a subtle form of intimidation toward the existing homeowner by abruptly trying to tear down these homes. They began work to raze these homes without the proper permits and were stopped by DC Regulatory Affairs according to one of the homeowners. This is not a show of good faith effort of trying to work with the community or consideration for the affected homeowners. We know that the developer wants the alley closure. However, we also feel that it is important for them to work with the community and not just be allowed to rip up a block and risk damaging these 100 year old homes without a plan in place to protect the remaining homes. It appears that they want to make it uncomfortable for homeowners and make them want to sell their property or face unforeseen consequences. I am hoping that this is not the case. I think that it is important for these meetings with the affected homeowners to continue before the Council makes a final decision on this alley closure. It is important that we work together in this process. The Camden Development that is across from Nats. Stadium is a good example of how a high-rise development can coexist with homes behind it. That was the first project that I worked on when I became an ANC Commissioner. It was done successfully by working with existing homeowners throughout the project. I feel that Altrus can do the same with their project. We don't want any of our residents forced out of their homes because of new development projects or to accommodate this proposed alley closure and rededication as a public easement.

Sincerely,

Rhonda Hamilton



**EXECUTIVE BRANCH TESTIMONY
BY THE
OFFICE OF THE SURVEYOR
ON BILL NO. 22-15 "CLOSING OF A PUBLIC
ALLEY IN SQUARE 653 – S.O. 15-26384**

March 30, 2017

INTRODUCTION:

Good Afternoon Chairman Mendelson and Committee Members. I am Roland Dreist, Surveyor of the District of Columbia. I appear before you today to present testimony on Bill No. 22-15. This bill introduced by Councilmember Charles Allen would order the closing of a portion of a public alley in Square 653, bounded by O Street, S.W., Half Street, S.W., N Street, S.W., and South Capitol Street, S.W., in Ward 6.

APPLICANT:

The applicant is Altus Realty Partners, LLC who is represented by Holland & Knight, LLC.

PURPOSE:

The purpose of this application is to allow for the consolidation of lots and the development of a residential building with ground floor retail.

DESCRIPTION:

The portion of the alley to be closed was created by a plat showing a alley dedication recorded July 12, 1909 in Subdivision Book 37, Page 113.

TITLE:

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

AREA & ASSESSED VALUE:

The portion of the alley to be closed is 1,147 square feet. The Office of Tax and Revenue has indicated that the land's market value as of January 1, 2016, which represents tax year 2017 is \$300.00 per square foot value for a total estimated value of \$344,100.00.

AGENCIES:

The Executive Branch agencies have no objections to this application.

UTILITIES:

In a letter dated August 11, 2016, WASA indicated that they objected to the proposed alley closing unless the applicant executes and records an easement that allows for the continued operation and maintenance of their facilities or abandon or relocate their facilities. To-date, the objection has not been resolved. The remaining utility companies have no objections to this application.

RETAIL TENANTS:

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

NCPC, ANC & ABUTTING PROPERTY OWNERS:

Pursuant to D.C. Official Code §9-202-02(5) the National Capital Planning Commission, (NCPC) was notified of this application of July 21, 2016. In a letter dated September 15, 2016, NCPC found that the proposed closing of a public alley in Square 653 would not be inconsistent with the Comprehensive Plan for the National Capital. Advisory Neighborhood Commission (ANC) 6D was notified of this application on July 21, 2016. In a letter dated September 8, 2016, ANC 6D voted 7-0 in support of this application. The applicant is the owner of the lots that abut the alley to be closed.

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



Near Southeast/Southwest
Advisory Neighborhood Commission 6D

September 8, 2016

1101 Fourth Street, SW
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202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

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SMD 6 *Rhonda Hamilton*
SMD 7 *Meredith Fascett*

DC Department of Consumer and Regulatory Affairs (DCRA)
Office of the Surveyor
1100 4th Street, SW, 3rd Floor
Washington, DC 20024

VIA E-MAIL: dcra@dc.gov

RE: S.O.15-26384 Alley closing, 1300 block of South Capitol St.

At a regularly scheduled and properly noticed public meeting on June 13, 2016 with a quorum being present, a quorum being 4 Commissioners, Advisory Neighborhood Commission (ANC) 6D voted 7-0-0 for the motion to send this letter of support for the proposal for Altus Realty Partners to close the alley adjacent to their property at 1319 South Capitol Street and rededicate it as an easement in the exact location of the existing alley with full and permanent public access right after the project is completed and the easement is safe to use with the following stipulations:

This letter of support will be sent to the D.C. Surveyor's Office after Altus has submitted the required documentation to the office for the modification to the alley and or requested amendment as specified in the cooperative agreement with Altus Partners, LLC a predecessor in interest to 1319 South Capitol Street.

Altus and the development partners involved in the 1319 South Capitol Street project will submit the paperwork for the modification to their original request to close the alley and rededication of it back to public use within 30 business days of the ANC vote on the proposal as of the 13th of June 2016.

Altus will sign the cooperative agreement with full understanding that the easement created in the place of the existing alley will have permanent public access without restriction as what are the current conditions of the alley.



Near Southeast/Southwest
Advisory Neighborhood Commission 6D

Altus will take responsibility for all the on-going upkeep and maintenance of the alley to include the fence and any structures along it that require attention to ensure safe passage through the alley by vehicular traffic and keep the alley open prior to the start of construction of the easement.

Altus will work with the affected homeowners and businesses pre- and post-construction of the closing of the alley and creation of the easement.

And, this support is contingent upon the DC Council findings that the creation of the easement does not pose a hardship or unnecessary burden on affected homeowners whose properties are closest to the existing alley in terms of access to their properties from the front and rear.

Failure of Altus and development partners for 1319 South Capitol Street to comply with the stipulations stated in this letter will result ANC 6D revoking support for the proposal when it is heard before the DC Council.

Sincerely,

Andy Litsky
Chairman, ANC 6D
Southwest, Navy Yard & Buzzard Point



Delegated Action of the Executive Director

PROJECT**Closing of a public alley in Square 653 - S.O. 15-26384**

Bound by O Street, SW, to the south, Half Street, SW, to the west, N Street, SW to the north and South Capitol Street to the east Washington, DC

SUBMITTED BY

District of Columbia Department of Consumer and Regulatory Affairs
Office of the Surveyor

NCPC FILE NUMBER

7810

NCPC MAP FILE NUMBER

24.40(44.40)44394

ACTION TAKEN

Approve comments as requested

REVIEW AUTHORITY

Advisory
Per DC Code § 9-202.02

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments on a partial alley closure located in Square 653. The square is bound by O Street, SW to the south, Half Street, SW to the west, N Street, SW to the north, and South Capitol Street to the east. The Commission previously reviewed and commented on the proposed alley closure in May 2015 noting that the closure would not be inconsistent with the Comprehensive Plan for the National Capital. Since the May 2015 review, the Office of the Surveyor's applicant, a private developer, has agreed to modify the alley closing to include the establishment by easement of a surface alley in the exact location of the alley to be closed. The alley easement will be a surface easement with a clear height of 16-feet. The private developer will reserve the right to incorporate improvements below and above the alley easement. There is no change in the size or location of the portion of the alley to be closed since May 2015, as described below.

The private developer owns Lots 14, 15, 70, and 810 in Square 653. The alley closing is necessary to allow for the consolidation of these lots and the development of a residential building with ground floor retail. The proposed development project will include approximately 227 residential units and 2,569 square feet of retail use. A portion of the alley will remain open from South Capitol Street to access easements at the rear of the existing structures on South Capitol Street. The private developer is requesting that the entire closed alley revert to Lot 14 which will ultimately be combined into a single lot of record for the development site.

There are no federal properties near Square 653 with the potential to be affected by the alley closing, and the proposed alley closing is not inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital.

The Coordinating Committee forwarded the proposed alley closing to the Commission with the statement that the project has been coordinated with all participating agencies. The participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the District of Columbia State Historic Preservation Office; the General Services

Administration; the National Park Service; and the Washington Metropolitan Area Transit Authority.

*

*

*

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and per DC Code § 9-202.02, I find that the proposed alley closing in Square 653, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interest.

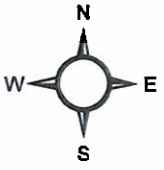
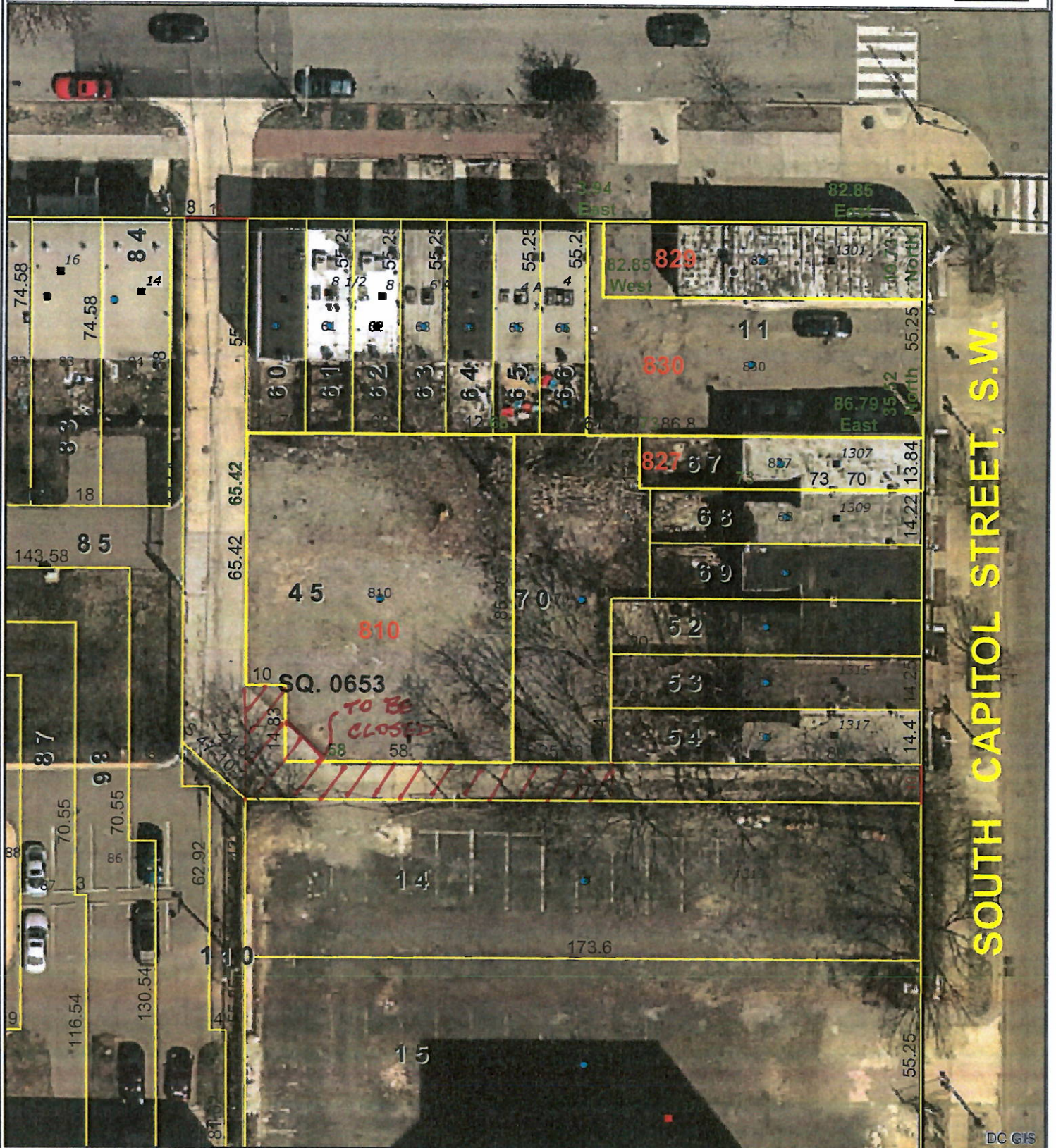


Marcel Acosta
Executive Director



Date

PUBLIC ALLEY CLOSED - SQUARE 653



1 inch = 34 feet
SCALE

Prepared by: **Office of the Surveyor**

Date: **March 27, 2017**

Coordinate System:
 NAD 1983 StatePlane Maryland FIPS 1900

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

DC GIS

1 **COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 13, 2018**

4
5
6 A BILL
7
8
9
10

11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13
14

15
16 To order the closing of a portion of the public alley system in Square 653, bounded by N Street,
17 S.W., Half Street, S.W., O Street, S.W., and South Capitol Street, S.W., in Ward 6.
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 653, S.O. 15-26384, 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 § 9-201.01 *et seq.*), the Council finds a portion of the public alley
25 system in Square 653, as shown on the Surveyor's plat filed in S.O. 15-26384, 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 following:

28 (1) That title to the closed portion of the public alley system be conveyed subject
29 to a non-restrictive public access easement, as shown on the Surveyor's plat filed in S.O. 15-
30 26384, which shall run with the land and be recorded in the land records of the Recorder of
31 Deeds for the District of Columbia and shall include an agreement by the owner of the property
32 encumbered by the easement to maintain the easement area for public use;

33 (2) The completion of abandonment work for the water main located in the public
34 alley before the recordation of the alley closing plat; and

35 (3) The satisfaction of all the conditions set forth in the official file for S.O. 15-
36 26384 before the recordation of the alley-closing plat.

37 Sec. 4. Fiscal impact statement.

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

41 Sec. 5. Effective date.

42 This act shall take effect following approval by the Mayor (or in the event of veto by the
43 Mayor, action by the Council to override the veto), and a 30-day period of congressional review
44 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
45 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
46 Columbia Register.