

**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:** October 20, 2020

**SUBJECT:** Report on Bill 23-580, “Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2020”

The Committee of the Whole, to which Bill 23-580, the “Closing of a Public in Square 2892, S.O. 19-47478, Act of 2020”<sup>1</sup> was referred, reports favorably thereon with minor amendments, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

On December 13, 2019, Bill 23-580, the “Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2020”<sup>2</sup> was introduced by Councilmember Brianne Nadeau. Bill 23-580 would authorize the closure of a portion of the public alley system in Square 2892, bounded by Georgia Avenue, N.W., Kenyon Street, N.W. Lamont Street, N.W., and Sherman Avenue, N.W. in Ward 1. The purpose of the alley closure is to provide for additional outdoor space and seating for existing retail businesses located in adjacent lots. The portion of the alley to be closed is a dead-end stub portion of the alley system. Its closure will not disrupt the public alley system or interfere with access to or from any other development in Square 2892.

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<sup>1</sup> Formerly the Closing of a Public in Square 2892, S.O. 19-47478, Act of 2019.

<sup>2</sup> *Id.*

### ***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 an alley or street closing 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 23-580, all of the reviews have been completed.

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 23-580, 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 the abutting record owners, as shown on the plat. The land becomes subject to tax and zoning laws in the same manner as the abutting land. The right of the public to use the street or alley typically ceases, and any proprietary interest of the United States or the District of Columbia in the street or alley ceases. If a closing plat shows an easement or dedication of land for public purposes, the land encompassed by the easement or dedication becomes available for the specified public purposes.

### ***Use of Alley***

The alley closure will provide the applicant (ZP Georgia LP) additional outdoor space and seating for existing retail and service uses in adjacent lots. The applicant owns lots 104, 105, 118,

and 879, all of which abbut the portion of the alley to be closed. Per the applicants testimony, they are currently in the process of developing a wine bar at 3212 Georgia Ave N.W., situated in lot 104. They anticipate the wine bar will open soon. As shown in the picture below, the portion of the the alley that will be closed is not used.



There are no objections from Executive agencies or utility companies to the closure of this alley.

### ***Conclusion***

Given the facts, the Committee recommends Council approval of Bill 23-580.

## **II. LEGISLATIVE CHRONOLOGY**

- |                   |  |
|-------------------|--|
| December 13, 2029 | Bill 23-580, the “Closing of a Public in Square 2892, S.O. 19-47478, Act of 2019” is introduced by Councilmember Brianne Nadeau. |
| December 17, 2019 | Bill 23-580 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official. |
| December 20, 2019 | Notice of Intent to Act on Bill 23-580 is published in the <i>District of Columbia Register</i> .                                |
| July 24, 2020     | Notice of a Public Hearing on Bill 23-580 is filed with D.C. Council Office of the Secretary.                                    |

- July 31, 2020 Notice of a Public Hearing on Bill 23-580 is published in the *District of Columbia Register*.
- September 17, 2020 The Committee of the Whole holds a public hearing on Bill 23-580.
- October 20, 2020 The Committee of the Whole marks-up Bill 23-580.

### III. POSITION OF THE EXECUTIVE

Joseph Snider, Deputy Surveyor of the D.C. Office of the Surveyor, testified at the Committee's public hearing on September 17, 2020. Mr. Snider said that the purpose of the alley closure is to provide for additional outdoor space and seating for existing retail businesses located in adjacent lots. He said that the most probable value for the closing of the alley as of January 1, 2020 is estimated at \$119,140 (737 square feet multiplied by \$161.66). Mr. Snider testified that Executive agencies have no objections to the closure.

Anna Chamberlin, Associate Director of the Planning and Sustainability Division of DDOT, testified at the Committee's public hearing on September 17, 2020. Ms. Chamberlin reported that DDOT has no objections to the closure.

### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 1A did not comment on this alley closing, but the Commissioner for SMD 1A09 submitted a letter to the D.C. Surveyor conveying support for the closure.

### V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

Diane Sullivan, Director of Urban Design and Plan Review at the National Capital Planning Commission (NCPC), provided comments to the Council finding that the proposed street closing falls under an exception in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines and is exempt from Commission Review. NCPC's letter is attached.

### VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 23-580, on Thursday, September 17, 2020. The testimony summarized below pertains to Bill 23-580. Copies of all written testimony are attached to this report.

***Eric Zuckerman, ZP Georgia LLC***, testified in support of the alley closure as the applicant. Mr. Zuckerman noted that ZP Georgia, LLC and affiliated entities own the properties abutting the alley to be closed, including District Dogs at 3210 Georgia Avenue, N.W., The Midlands and Story District at 3321-3335 Georgia Avenue, N.W., and Call Your Mother at 3301 Georgia

Avenue, N.W. He said that they would improve and maintain the area to be closed, and are planning to redevelop one of the abutting properties for use as a wine bar.

*Joseph Snuder, Deputy Surveyor of the District of Columbia*, testified on behalf of the Executive. His testimony is summarized in Section III.

*Anna Chamberlin, Associate Director of the Planning and Sustainability Division of DDOT*, testified on behalf of the Executive. Her testimony is summarized in Section III.

The Committee has received no testimony or comments in opposition to the alley closing or Bill 23-580.

## VII. IMPACT ON EXISTING LAW

Bill 23-580 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 23-580, the Committee finds that the requirements of the Act have been satisfied.

## VIII. FISCAL IMPACT

The attached fiscal impact statement from the District’s Chief Financial Officer states that funds are sufficient in the FY 2021 through FY 2024 budget and financial plan to implement the bill. The D.C. Surveyor estimates that the most probable value of the land being added to the tax rolls is \$119,140.

## IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	Orders the closing of a portion of the public alley system in Square 2892, as shown on the Surveyor’s plat filed in S.O. 19-47478.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

## X. COMMITTEE ACTION

## **XI. ATTACHMENTS**

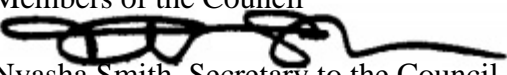
1. Bill 23-580 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. Surveyor's Plat.
5. Fiscal Impact Statement for Bill 23-580.
6. Legal Sufficiency Determination for Bill 23-580.
7. Committee Print for Bill 23-580.

**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 : December 16, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, December 13, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Public in Square 2892, S.O. 19-47478, Act of 2019", B23-0580

INTRODUCED BY: Councilmember Nadeau

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

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

*Brianne K. Nadeau*

Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of a portion of a public alley system in Square 2892, bounded by Lamont Street, Georgia Avenue, Kenyon Street, and Sherman Avenue in Northwest Washington, D.C., in Ward I.

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 2892, S.O. 19-47478, Act of 2019".

Sec. 2.(a) 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 2892, as shown on the Surveyor's plat in S.O. 19-47478, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 2(b). The closing of this public alley in section 2(a) of this act is contingent satisfying all conditions in the official file for S.O. 19-47478.

Sec. 3. Transmittal.

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.

Sec. 4. Fiscal Impact Statement.



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

35           Sec. 5. Effective Date.

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

# 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)

Kyrus L. Freeman  
202.862.5978  
kyrus.freeman@hklaw.com

September 17, 2020

## **VIA EMAIL**

Mr. Blaine Stum, Legislative Policy Advisor  
Committee of the Whole  
Council of the District of Columbia  
John A. Wilson Building, Suite 410  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
bstum@dccouncil.us

**Re: Applicant's Written Testimony  
Bill No. 23-0580 - Closing of a Public Alley in Square 2892 (S.O. 19-47478)**

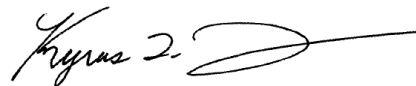
Dear Mr. Stum:

As requested by Chairman Mendelson at the Committee of the Whole public hearing on September 17, 2020, we hereby submit the written testimony of Eric Zuckerman, representative of ZP Georgia, LLC, the Applicant in the above-referenced case.

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

HOLLAND & KNIGHT LLP



Kyrus L. Freeman  
Jessica R. Bloomfield

Enclosures

cc: Roland Dreist, D.C. Surveyor (with enclosures, via email)  
Joseph Snider, Deputy Surveyor (with enclosures, via email)

**B23-0580 – The Closing of a Public Alley in Square 2892 (S.O. 19-47478)**  
**Testimony of Eric Zuckerman**

Good Morning Councilmembers. My name is Eric Zuckerman and I am a Member of ZP Georgia, LLC. I am testifying in support of the requested alley closing.

ZP Georgia, LLC owns all of the property that abuts the portion of the dead-end alley proposed to be closed.

Our related entities also own and operate a number of other properties on Georgia Avenue, NW in close proximity to the Site, including:

- District Dogs @ 3210 Georgia Avenue, NW.
- Rental apartments @ 3220 Georgia Avenue, NW.
- Rental apartments @ 3222 Georgia Avenue, NW.
- Hook Hall @ 3400 Georgia Avenue, NW.
- 3321-3335 Georgia Avenue, NW (Square 3040, Lot 130). The Midlands and Story District.
- 3301 Georgia Avenue, NW (Square 3040, Lot 105). Call Your Mother.

We have been strong supporters of the community. For example, in conjunction with Georgia Ave Thrive, we hosted the Winter Festival at 3400 Georgia Avenue, and we have financially supported the Fall Festival. We have also hosted community movie nights at 3400 Georgia Avenue.

We intend to utilize the dead-end portion of the alley to be closed as additional useable outdoor space and seating for the retail and service uses on our property, which has frontage on Georgia. We will improve and maintain what is currently an unused and unmaintained portion of the alley. In fact, we are currently in the process of redeveloping 3212 Georgia Ave for use as a WINE BAR., St Vincents, which we anticipate will open this month. Having the additional outdoor space is especially important now given Covid-19 and social distancing requirements for retail and service establishments. Moreover, we believe that closing the unused portion of the alley would result in a number of community and economic benefits to the District, including for example adding the land to the tax rolls and the payment of real estate taxes, and ZP Georgia will be responsible for all upkeep, maintenance, and security of the land.

Thank you for the opportunity to testify and I am happy to answer any questions.

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



**Public Hearing**  
**B23-580, “Closing of a Public Alley in Square 2892, S.O. 19-47478,**  
**Act of 2019**

**Testimony by Joseph Snider**  
**Deputy 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**

**September 17, 2020**

**10:00 am**

**Virtual Hearing**

Good Morning, Chairman Mendelson, members and staff of the Committee of the Whole. I am Joseph Snider, Deputy Surveyor of the District of Columbia, at the Department of Consumer and Regulatory Affairs (DCRA). I appear before you today to provide background information on B23-580, “Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2019.” This bill would order the closing of a portion of a public alley in Square 2892. The bill was introduced by Councilmember Nadeau.

This alley closure would provide for additional outdoor usable space and seating for the existing retail businesses located on the adjacent lots fronting on Georgia Avenue, N.W. The Square is bounded by Lamont Street, Georgia Avenue, Kenyon Street, and Sherman Avenue, N.W. and located in Ward 1. The 15-foot wide unimproved portion of alley to be closed was created by a subdivision of Square 2892. It was recorded in Subdivision Book 69, Page 73 and recorded on October 11, 1922 in the Office of the Surveyor. Title to the portion of the alley to be closed could not be determined to be held by the District or the United States. The most probable value for the closing of the alley in Square 2892, as January 1, 2020, which represents tax year 2021, is estimated at \$119,140.00 (737 square feet x \$161.66).

The applicant for this closing is ZP Georgia, LLC, who is represented by Holland & Knight. The Office of the Surveyor notified the relevant Executive Branch agencies on May 30, 2019. They either support or have no objections to the proposed closing. The utility companies were also notified on May 30, 2019, and have no objections.

Pursuant to D.C. Official Code §9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) on May 30, 2019. In a letter dated July 1, 2019, NCPC determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Pursuant to D.C. Official Code §9-202.02(5) Advisory Neighborhood Commission (ANC) 1A was notified on May 30, 2020. DCRA received a letter from ANC Commissioner Mr. Michael Wray (ANC 1A09) dated September 24, 2019 in support of this closing. Pursuant to D.C. Official Code §9-202-02(6), the abutting property owners were notified of the closing. Any comments received regarding this closing will be forwarded when received.

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
*District Department of Transportation*



Public Hearing on  
B23-522, Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and  
Keel Avenue, S.W... Act of 2019

B23-562, Closing of Columbian Quarter Alley in Square 5860 Act of 2019

B23-580, Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2019

B23-656, Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020

B23-784, Closing of Public Streets and Alleys and Dedication of Land for Public  
and Alley Purposes Adjacent to Squares 3039, 3040, and 3043, S.O. 17-21093 and  
S.O. 17-21094 Act of 2020

Testimony of  
Anna Chamberlin

Associate Director, Planning & Sustainability Division  
District Department of Transportation

Before the  
Committee of the Whole

Council of the District of Columbia

Thursday, September 17, 2020  
10:00 a.m.

John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004



Good morning Chairman Mendelson, members of the Council, staff, and District residents. My name is Anna Chamberlin, and I am the Associate Director of the Planning and Sustainability Division at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and DDOT Director Jeff Marootian regarding six bills, which are Bill 23-522, the “Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W... Act of 2019,” Bill 23-562, the “Closing of Columbian Quarter Alley in Square 5860 Act of 2019,” Bill 23-580, the “Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2019,” Bill 23-656, the “Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020,” and Bill 23-784, the “Closing of Public Streets and Alleys and Dedication of Land for Public and Alley Purposes Adjacent to Squares 3039, 3040, and 3043, S.O. 17-21093 and S.O. 17-21094 Act of 2020.”

The stated purpose of Bill 23-552 is to close a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W., and transfer jurisdiction to the Department of the Navy. DDOT filed a report with the Office of the Surveyor on September 22, 2015, related to S.O. No. 14-21786. DDOT’s report noted that there are no DDOT assets identified in the areas proposed to be closed, and that the closures are not projected to negatively impact the transportation network, traffic circulation, planned DDOT improvements, or public space. DDOT has no objections to the proposed closures in this bill.



The stated purpose of Bill 23-580 is to close a portion of the public alley system in Square 2892, bounded by Lamont Street N.W., Georgia Avenue N.W., Kenyon Street N.W., and Sherman Avenue N.W. DDOT filed a report with the Office of the Surveyor on August 13, 2019, related to S.O. No. 47478. DDOT's report noted that there are no DDOT assets identified in the areas proposed to be closed, and that the closures are not projected to negatively impact the transportation network, traffic circulation, planned DDOT improvements, or public space. DDOT has no objections to the proposed closures in this bill.

The stated purpose of Bill 23-784 is to close a portion of Morton Street, N.W., and the portions of the public alley system adjacent to Square 3039 in Ward 1. It accepts the dedication and designation of 6th Street, N.W., Luray Place, N.W., and an extension of Morton Street, N.W., for public street purposes, and accepts the dedication of land adjacent to Square 3039 for public alley purposes in Ward 1. DDOT filed a report with the Office of the Surveyor on March 16, 2018, related to S.O. No. 17-21093 and 17-21094. DDOT's report noted that the agency objects to the proposed closure until the following conditions are met:

- S.O. No. 17-21093 and 17-21094 must be approved together such that the rights-of-way (ROW) are not closed without the corresponding dedication of new ROW in order to achieve the revised transportation network envisioned in the Planned Unit Development (PUD) proposal associated with these closures;

- The Applicant must compensate the District in the amount of \$2,427.20 for the removal of existing DDOT lighting in the areas proposed for closure;
- The Applicant must secure tree removal permits for three street trees that would be affected by the closure of the Morton Street segment, prior to removal of the trees.

It is DDOT's understanding that by its incorporation into this bill, Council intends to fulfill the first condition (coordination of the closures with the appropriate land dedication). On September 14, 2020, the Applicant's legal counsel confirmed that the Applicant will meet this condition, along with the conditions related to compensation for the removal of street lighting and securing the necessary tree removal permits. DDOT notes that Section 3 of Bill 23-784 stipulates that the Council's approval of the closures and land dedications are contingent upon the satisfaction of all conditions set forth in the official files for S.O. No. 17-21093 and 17-21094 prior to the recordation of plats by the Surveyor. DDOT also notes that through an administrative oversight, conditions related to the Applicant's building of public space improvements, and DDOT acceptance of the improvements, do not appear in the list of conditions on the final page of DDOT's 2018 report to the Surveyor. It is DDOT's understanding that, since those conditions appear earlier in the report, they were intended to and should be incorporated into the set of conditions specified under Section 3 of this bill. The

Applicant's legal counsel confirmed on September 14, 2020, that the Applicant will meet DDOT's conditions related to the construction and acceptance of public space improvements.

The stated purpose of Bill 23-656 is to close a portion of the public alley system in Square 740, bounded by K Street, S.E., First Street, S.E., L Street, S.E., and New Jersey Avenue, S.E., in Ward 6. DDOT filed a report with the Office of the Surveyor on February 14, 2020, related to S.O. No. 18-41567. DDOT's report noted that the agency objected to the proposed closure until several conditions are met. These conditions include compensation for the removal of DDOT lighting in the area to be closed, meeting with DDOT's arborist to determine whether a special tree permit is needed for any impacted trees, and conditions associated with the non-restrictive easement that would establish a replacement alley network. On April 1, 2020, DDOT filed a supplemental report indicating our understanding that the Applicant has agreed to all of the conditions. DDOT can confirm that the Applicant has provided payment for removal of the street lighting, and has obtained the necessary special tree permit. DDOT is still awaiting full documentation of the necessary non-restrictive easement. DDOT notes that Section 3 of Bill 23-656 stipulates that the Council's approval of the closure is contingent upon the recordation of a covenant establishing new portions of the alley system by easement, and upon the satisfaction of all conditions set forth in the official file for S.O. No. 18-41567.

The stated purpose of Bill 23-562 is to close a 15-foot wide public alley in Square 5860 abutting lots 1020, 1025 through 1031, 1037, and P231/8, along with Square 5600 lot 800 in Ward 8. DDOT filed a report with the Office of the Surveyor on September 3, 2020, related to S.O. No. 16-27269. DDOT's report noted that the agency objected to the proposed closure until the following conditions are met:

- DDOT can support the locations of the 45-foot and 20-foot easement areas shown in Figure 1 of our report to the Surveyor, dated September 3, 2020, so long as the official alley closure plat is updated with the following changes:
  - Change 'public access easement' terminology to 'non-restrictive easement' throughout the plat; and
  - Label the easternmost 20-foot easement area using text, similar to the 45-foot easement area.
- The Applicant records non-restrictive easements for the two (2) north-south private alleys proposed to replace the existing 'L' shaped public alley right-of-way to be closed.

DDOT seeks confirmation that the Applicant will fulfill all of these conditions. DDOT also notes that, as introduced, Bill 23-562 lacks a section making Council's approval of the closure contingent on any specific conditions, including conditions set forth in the official file with the Office of the Surveyor.

DDOT recommends that the bill include such conditions, consistent with the formulation of Bills 23-656 and 23-784.

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

IN REPLY REFER TO:  
NCPC File No. 8083

July 1, 2019

Roland F. Driest, Jr., Surveyor  
District of Columbia Department of Consumer and Regulatory Affairs  
1100 4th Street, SW  
Washington, DC 20024

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~~Re: 8083 Partial Closing of a Public Alley in Square 2892 - S.O. 19-47478 located on Georgia Avenue, between Lamont and Kenyon Streets, NW, Washington, DC~~

Dear Mr. Driest:

The purpose of this letter is to respond to the above-mentioned project submitted to the National Capital Planning Commission (NCPC) for review, in accordance with DC Code § 9-202.02.

Upon review of the project documents, NCPC staff has determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. In particular, the project meets the requirements of exception 8, which pertain to street or alley closings located outside the boundary of the L'Enfant City under the following conditions: 1) the street or alley is not adjacent to federal property; 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was also made available for public review on the NCPC website and no comments were received. Accordingly, staff has determined that this project is exempt from Commission review.

This determination applies only to the project listed above. Determinations to whether a particular project falls within one of the Commission's exceptions are done on a case-by-case basis, either during early consultation or upon request for review. Please note that the applicant cannot make this determination independently and must submit projects to NCPC to confirm that an exception is warranted.

If you have any questions or need additional information, please contact Vivian Lee at (202) 482-7238 or [vivian.lee@ncpc.gov](mailto:vivian.lee@ncpc.gov).

Sincerely,



Diane Sullivan  
Director, Urban Design and Plan Review

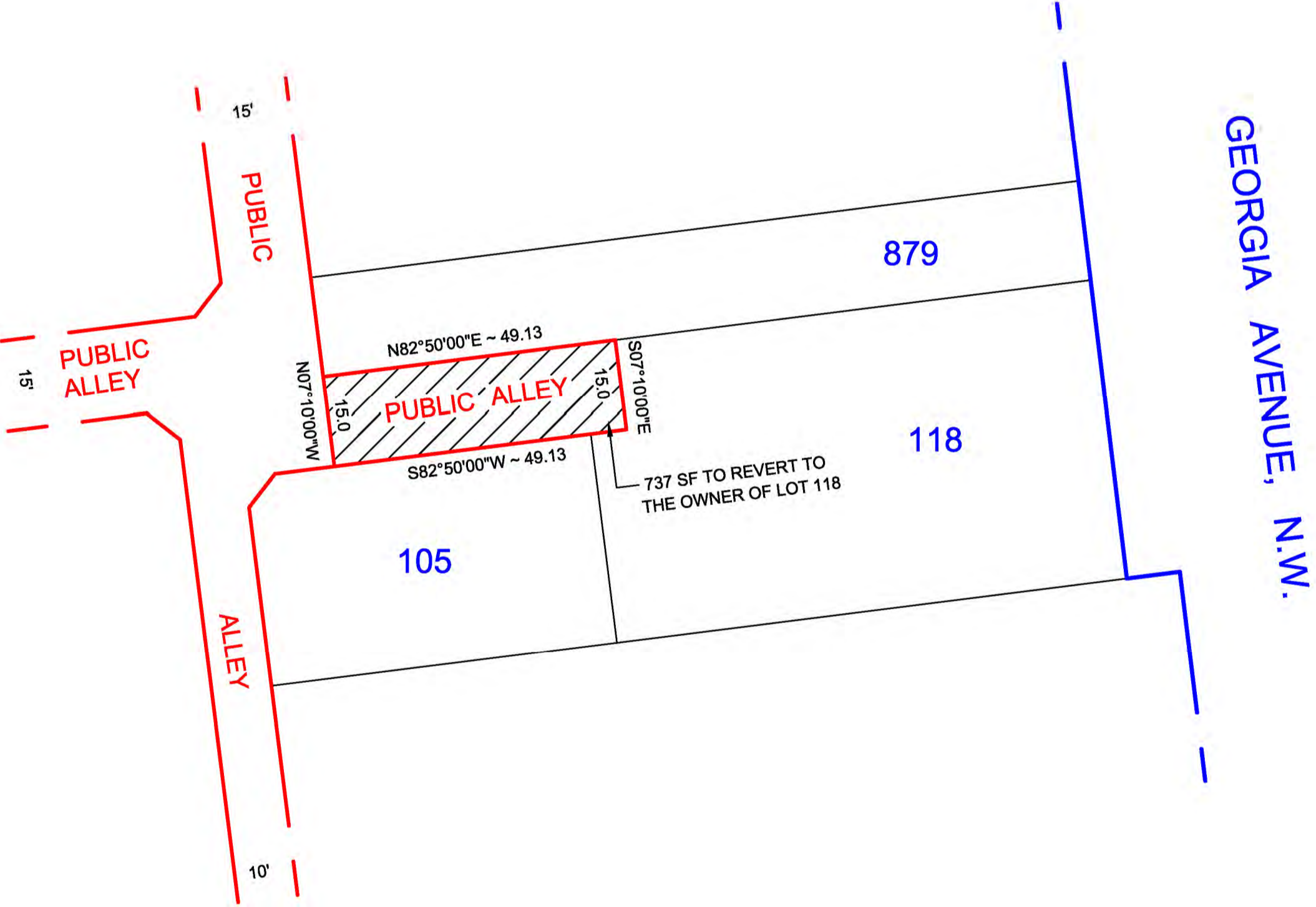
# PUBLIC ALLEY CLOSED SQUARE 2892

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

OFFICE OF THE SURVEYOR, D.C.  
\_\_\_\_\_, 2020

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

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



<b>SURVEYOR'S OFFICE, D.C.</b>	
Made for:	HOLLAND & KNIGHT / KYRUS FREEMAN
Drawn by:	A.S.      Checked by: _____
Record and computations by:	B. MYERS
Recorded at:	_____
Recorded in Book	_____ Page _____ SR-19-03960
Scale:	1 inch = 20 feet      File No. 19-47478
2019/ALLEY CLOSING/SR-19-03960-SQ.2892	

1 **DRAFT COMMITTEE PRINT**  
2 **Committee of the Whole**  
3 **October 20, 2020**  
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8

9 A BILL

10  
11 23-580  
12  
13

14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
15  
16 \_\_\_\_\_  
17

18 To order the closing of a portion of a public alley system in Square 2892, bounded by Lamont  
19 Street, Georgia Avenue, Kenyon Street, and Sherman Avenue in Northwest Washington,  
20 D.C., in Ward 1.  
21

22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
23 act be cited as the “Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2020.”

24 Sec. 2. Pursuant to Section 201 of the Street and Alley Closing and Acquisition  
25 Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4-201; D.C. Official Code § 9-  
26 202.01), the Council of the District of Columbia finds the portion of the public alley system in  
27 Square 2892, as shown on the Surveyor’s plat in S.O. 19-47478, is unnecessary for alley  
28 purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

29 Sec. 3. Fiscal impact statement.

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

33 Sec. 4. Effective date.



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