

**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: October 20, 2020

SUBJECT: Report on Bill 23-656, “Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020”

The Committee of the Whole, to which Bill 23-656, the “Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020” was referred, reports favorably thereon with minor amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On February 5, 2020, Bill 23-656, the “Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020” was introduced by Councilmember Charles Allen. Bill 23-656 would authorize the closure of a portion of the public alley system in Square 740, bounded by 1st Street, S.E., L Street, S.E., New Jersey Avenue, S.E., and K Street S.E., in Ward 6. The purpose of the alley closure is to facilitate a private residential development that will result in 273 new residential units, including five affordable housing units that are not required under the District’s Inclusionary Zoning program.

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 23-656, 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 23-656, 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.

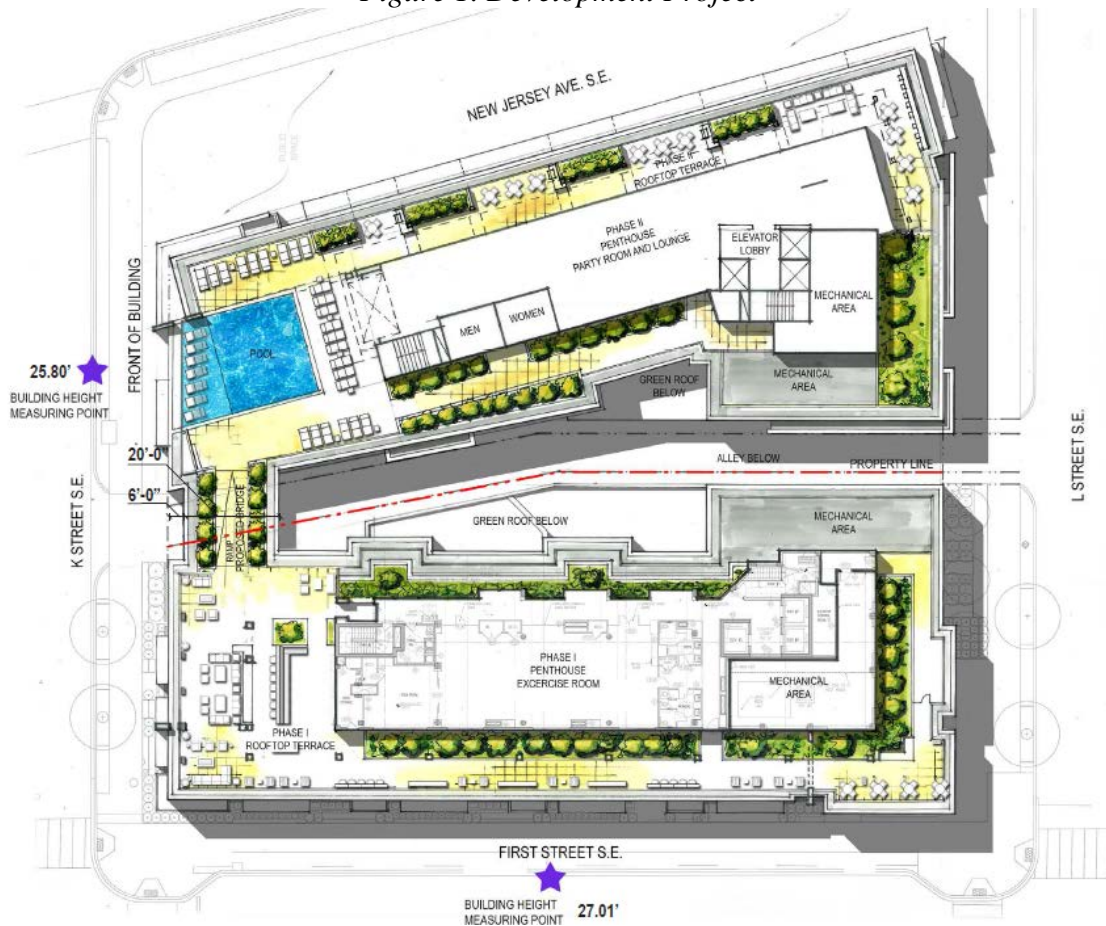
The Development Project

The alley closure will allow the applicant (Who's On First Properties, LLC) to begin the second phase of their development, a multifamily residential building with 273 units.¹ Five of these units will be affordable to households earning 80% of the median family income, per an agreement with Advisory Neighborhood Commission 6D. These affordable units are not required for this project under the District's Inclusionary Zoning program. The alley closing will also allow

¹ Phase one of the applicant's project was completed in the first quarter of 2020, delivering 275 residential units.

for a below-grade connection between the existing below-grade parking garage constructed during phase one and the parking garage that will be constructed during phase two.

Figure 1. Development Project



During the Committee’s public hearing on Bill 23-656, the applicant noted that D.C. Water still had an outstanding objection to the closure. D.C. Water provided the applicant with an objection letter on March 21, 2019 stating that an existing three inch water main and 12 inch combined sewer main were active facilities located within the alley to be closed. On September 28, 2020, D.C. Water provided a letter to the Surveyor’s Office stating that they were removing their objection after working with the applicant.

As a condition of the alley closure, the applicant has agreed to 20-foot wide non-restrictive easement in the same location as the alley. The proposed easement will access to two loading dock entrances, each with two berths, via front-in and front-out maneuvers, and in a manner consistent with District Department of Transportation (DDOT) standards. The non-restrictive easement must have a minimum clear height of twenty feet at all points. The bill includes language that the approval of the alley closure is contingent upon satisfying this condition. The applicant has also agreed to compensate the District in the amount of \$6,331.37 for the removal of existing DDOT

lighting in the alley to be closed, and to meet with a DDOT arborist on-site to determine the health of nearby trees. At the public hearing, DDOT confirmed that the applicant has paid the agency for the removal of the street lighting and obtained the necessary special tree permit.

Conclusion

Given the facts, the Committee recommends Council approval of Bill 23-656.

II. LEGISLATIVE CHRONOLOGY

- February 5, 2020 Bill 23-656, the “Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020” is introduced by Councilmember Charles Allen.
- February 14, 2020 Notice of Intent to Act on Bill 23-656 is published in the *District of Columbia Register*.
- February 18, 2020 Bill 23-656 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- July 24, 2020 Notice of a Public Hearing on Bill 23-656 is filed with the D.C. Council Office of the Secretary.
- July 31, 2020 Notice of a Public Hearing on Bill 23-656 is published in the *District of Columbia Register*.
- September 17, 2020 The Committee of the Whole holds a public hearing on Bill 23-656.
- October 20, 2020 The Committee of the Whole marks-up Bill 23-656.

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 noted the purpose of the alley closure is to allow for the applicant is to facilitate the redevelopment of the site. He said that the most probable value for the closing of the alley as of January 1, 2020 is estimated at \$2,174,840 (2,853 square feet multiplied by \$762.30). Mr. Snider noted that D.C. Water has an objection due to existing facilities in the alley to be closed, and are requesting a non-restrictive easement to access those facilities.

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 noted that DDOT filed a report with the Surveyor’s Office on February 14, 2020 stating that the agency objects to the proposed closure until several conditions are met, including the compensation for removal of DDOT lighting, meeting with DDOT’s arborist, and conditions associated with the non-restrictive easement. On April 1, 2020, DDOT filed a supplemental report indicating that the applicant has agreed to all of the conditions. Ms. Chamberlin said that DDOT has received

payment from the applicant for the removal of the street lighting, and the applicant has obtained the necessary special tree permit.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission (ANC) 6D did not comment on this alley closing, but in a letter to Councilmember Charles Allen, dated January 6, 2020, ANC 6D Chair Gail Fast notes that the Commission voted 5-0-0 at a regular meeting on November 18, 2019 to support the proposed alley closure with conditions. The Commission's conditions include that the applicant will ensure the upkeep, maintenance, and accessibility of the alley at all times, and that the residential property that will be built as a result of the proposed closure will include at least five units offered at 80% area median income. The applicant has agreed to these conditions. The letter is attached to this report.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

By a delegated action of the Executive Director, dated April 25, 2019, the Executive Director of the National Capital Planning Commission found that the proposed alley closing in Square 740 would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital and would not adversely affect any other federal interests. The letter is attached to this report.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 23-656, on Thursday, September 17, 2020. The testimony summarized below pertains to Bill 23-656. Copies of all written testimony are attached to this report.

Christine Shiker, Holland & Knight LLP, testified as counsel to the applicant. Ms. Shiker noted that the proposed alley closure would facilitate phase two of a residential development that would deliver 273 units. She said that the applicant has agreed to the conditions specified by DDOT and ANC 6D, and is working with D.C. Water to resolve their objections to the proposed closure.

Jimmy Dodson, What's on Second Properties LLC, testified that the development would connect to the building constructed in phase one of their development, and that the new building would include five affordable units as requested by ANC 6D.

Mary Ramsey, Wiles Mensch Corporation, testified that the non-restrictive easement would be consistent with DDOT standards and allow for access to facilities by D.C. Water.

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 23-656.

VII. IMPACT ON EXISTING LAW

Bill 23-656 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 23-656, 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 \$2,174,840, and the closing will facilitate a development project that will likely bring additional tax revenue to the District.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	(a) Orders the closing of a portion of the public alley system in Square 704, as shown on the Surveyor’s plat filed in S.O. 18-41567. (b) Approval of the Council is contingent upon satisfying all conditions in S.O. 18-41567.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

X. COMMITTEE ACTION

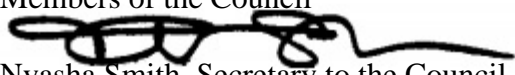
XI. ATTACHMENTS

1. Bill 23-656 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. Surveyor's Plat.
5. Fiscal Impact Statement for Bill 23-656.
6. Legal Sufficiency Determination for Bill 23-656.
7. Committee Print for Bill 23-656.

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 : February 11, 2020

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, February 5, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020",
B23-0656

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 740, bounded by K Street, S.E., First Street, S.E., I Street, S.E., and New Jersey Avenue, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4-201; D.C. Official Code §9-201.01 *et seq.*), the Council finds that a portion of the public alley system in Square 740, as shown on the Surveyor's plat filed in S.O. 18-41567, is unnecessary for street or alley purposes and orders it closed with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The approval of the Council of this alley 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 filed in S.O. 18-41567, and agreeing to maintain such new portions of the alley system established by easement for public use; and

(2) The satisfaction of all the conditions set forth in the official file for S.O. 18-41567.

32 Sec. 4. Fiscal impact statement.

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

36 Sec. 5. Effective date.

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

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



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

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 B23-656, "Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2019." This bill would order the closing of a 12-foot wide public alley in Square 740 and establish a 20-foot wide public alley surface easement in its place. Square 740 is bounded by K Street S.E. to the north, New Jersey Avenue S.E. to the east, L Street S.E. to the south, and 1st Street S.E. to the west in Ward 6. The bill was introduced by Councilmember Allen.

This closure would allow for the development of a four level underground garage and two proposed buildings. The proposed buildings would be connected by the garage underneath the proposed alley easement. The alley to be closed was created by a subdivision of Square 740 recorded in subdivision book N.K. page 250 on August 22, 1842 in the records of 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 estimate of value as of January 1, 2020 which represents tax year 2021 for the public alley closed in Square 740 is \$2,174,840.00 (2,853 S.F. X 762.30 estimated square foot). The estimate is rounded and based on Lot 43 of the same square.

The applicant for this closing is What's On Second Properties LLC and Paradigm Investment Group Services LP (jointly, the "Applicant"), who is represented by Holland & Knight. The Office of the Surveyor notified the relevant Executive Branch agencies of this closing on March 19, 2019. The Executive Branch agencies have no objections. D.C. Water was notified of the closing on March 19, 2020. D.C. Water responded within a letter dated March 21, 2019, objecting to the closing because they have an existing 3-inch water main and a 12-inch combined sewer, both in the alley. D.C. Water wants a non-restrictive easement from the applicant for its facilities.

Other utility companies were notified of the application on March 19, 2020; they did not have any objections.

Pursuant to D.C. Official Code §9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on March 19, 2019. In a letter dated May 3, 2019, NCPC found that the proposed closure alley in Square 740 would not be inconsistent with the Comprehensive Plan for the National Capital nor would it adversely affect any other identified federal interest.

Pursuant to D.C. Official Code §9-202.02(5) Advisory Neighborhood Commission (ANC) 6D01 and 6D02 were notified of this application on March 19, 2019. The Surveyor's Office has not had a response from the ANC, however a letter was provided from Holland and Knight to Councilmember Allen's office

from ANC 6D. The letter dated January 6, 2020, noted that at their regularly scheduled meeting they voted to unanimously to support with conditions, the proposed alley closing. Pursuant to D.C. Official Code §9-202-02(6), the abutting property owners were notified of the closing. The Applicant is the owner of all the abutting property. Any other comments 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 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.



September 28, 2020

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

Subject: Street/Alley Closing Application **S.O. 18-41567**

Dear Mr. Dreist:

In a letter dated **March 21, 2019**, The District of Columbia Water and Sewer Authority (DC Water) objected to the Street/Alley Closing requested in **S.O. 18-41567**. Since that time, the applicant has contacted DC Water and resolved our objections. Therefore, DC Water removes our objection to the proposed street/alley closings requested in **S.O. 18-41567**.

If you have any additional needs from me, I can be reached at the contact information listed below.

Regards,

Kevin Harney
Easement and Covenant Coordinator
District of Columbia Water and Sewer Authority
1100 4th Street, SW Suite #310
Washington, DC 20024
202-646-8627 Office
202-646-8628 Fax
kevin.harney@dewater.com
[DC Water - Water is Life!](#)



Delegated Action of the Executive Director

PROJECT

Closing of a public alley and establishment of public alley easement in Square 740, S.O. 18-41587

1000 1st Street, SE
Washington, DC

SUBMITTED BY

District of Columbia Department of Consumer and Regulatory Affairs

NCPC FILE NUMBER

8063

NCPC MAP FILE NUMBER

41.10(44.40)44907

ACTION TAKEN

Approval of comments to the Council of the District of Columbia

REVIEW AUTHORITY

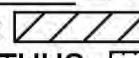
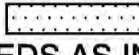
Approval of Comments on Street & Alley Closings
Per DC Code § 9-202.02

The District of Columbia Office of the Surveyor has referred to the Commission for review and comment the closure of an alley in Square 740, located in southeast Washington, DC. The alley is 12-foot wide, oriented north to south, and fully bisects the square. All adjacent land is controlled by a developer that seeks to construct a multi-story mixed-used residential project.

The subject property contains 2,855 square feet. The alley is located wholly within the square and does not connect beyond the block. No federal properties are accessed or served by the alley or the surrounding public streets. As such, the closing generally would not be inconsistent with the Federal Elements of the *Comprehensive Plan for the National Capital* nor would it adversely affect any other federal interests. The applicant also proposes to establish by easement a 20-foot alley in the same location. It will be eight feet wider than the existing alley to accommodate trucks and other service vehicles that will access the future development.

The Coordinating Committee reviewed the project at their April 10, 2019 and forwarded the proposed alley closing to the Commission with the statement that the project has been coordinated with the following participating agencies: NCPC; the General Services Administration; the District State Historic Preservation Officer; the District Department of Transportation (DDOT); the District Department of Energy and the Environment; and the National Park Service.

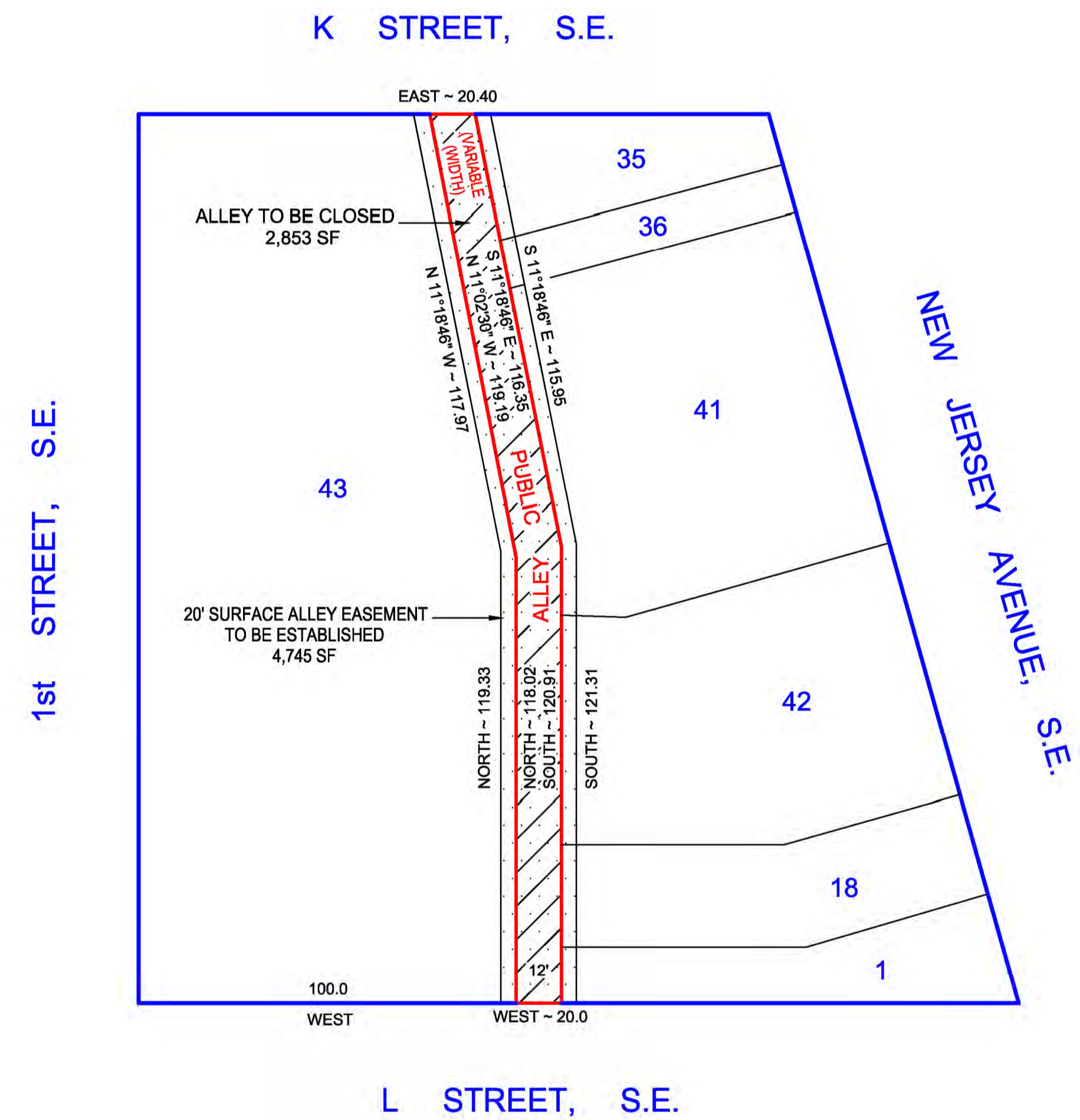
**PUBLIC ALLEY CLOSED
AND
PUBLIC ALLEY EASEMENT ESTABLISHED
SQUARE 740**

PURSUANT TO D.C.LAW _____ EFFECTIVE _____,
THE 12' PUBLIC ALLEY SHOWN THUS:  IS CLOSED AND PUBLIC
ALLEY SURFACE EASEMENT SHOWN THUS:  IS ESTABLISHED
AND RECORDED AT THE RECORDER OF DEEDS AS INSTRUMENT # _____
DATED _____.

OFFICE OF THE SURVEYOR, D.C.
_____, 2020

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.

Made for: HOLLAND & KNIGHT
 Drawn by: L.E.S. Checked by: _____
 Record and computations by: B. MYERS
 Recorded at: _____
 Recorded in Book _____ Page _____ SR-18-08669
 Scale: 1 inch = 30 feet File No. 18-041567
 2018/PUBLIC_ESMT_ESTABLISHED/SO-18-08669-SQ.740

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

4
5
6
7
8
9 A BILL

10
11 23-656

12
13
14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
15
16 _____
17

18 To order the closing of a portion of the public alley system in Square 740, bounded by K Street,
19 First Street, S.E., L Street, S.E., and New Jersey Avenue, S.E., in Ward 6.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020.”

22 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
23 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), consistent with the Street and
24 Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4-
25 201; D.C. Official Code §9-201.01 *et seq.*), the Council finds that a portion of the public alley
26 system in Square 740, as shown on the Surveyor’s plat filed in S.O. 18-41567, is unnecessary for
27 street or alley purposes and orders it closed with title to the land to vest as shown on the
28 Surveyor’s plat.

29 (b) The approval of the Council of this alley closure is contingent upon satisfying all the
30 conditions set forth in the official file for S.O. 18-41567.

31 Sec. 3. Fiscal impact statement.

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

35 Sec. 4. 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), and a 30-day period of congressional review
38 as 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.