

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** All Councilmembers

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

**DATE:** December 7, 2021

**SUBJECT:** Report on Bill 24-408, “Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021”

The Committee of the Whole, to which Bill 24-408, the “Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021” was referred, reports favorably thereon with minor amendments and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

On October 1, 2021, Bill 24-408, the “Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021” was introduced by Chairman Mendelson at the request of the Mayor. Bill 24-408 would close a portion of a public alley in Square 5730 bounded by Naylor Road, 28<sup>th</sup> Street, Gainesville Street, 25<sup>th</sup> Street, and Alabama Avenue, S.E. in Ward 8. The alley closing will facilitate the construction of an 86-unit multifamily housing development. All units will be affordable to households earning 60% median family income (MFI) or below. The building will consist of 26 three-bedroom units, 28 two-bedroom units, and 32 one-bedroom units. The development was approved by the Board of Zoning Adjustment on September 18, 2019 for a special exception pursuant to 11 D.C. Municipal Regulations Subtitle U § 421.<sup>1</sup>

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<sup>1</sup> Board of Zoning Adjustment Case No. 20110, September 18, 2019 Decision.

### ***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 24-408, 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 24-408, these requirements have been met.

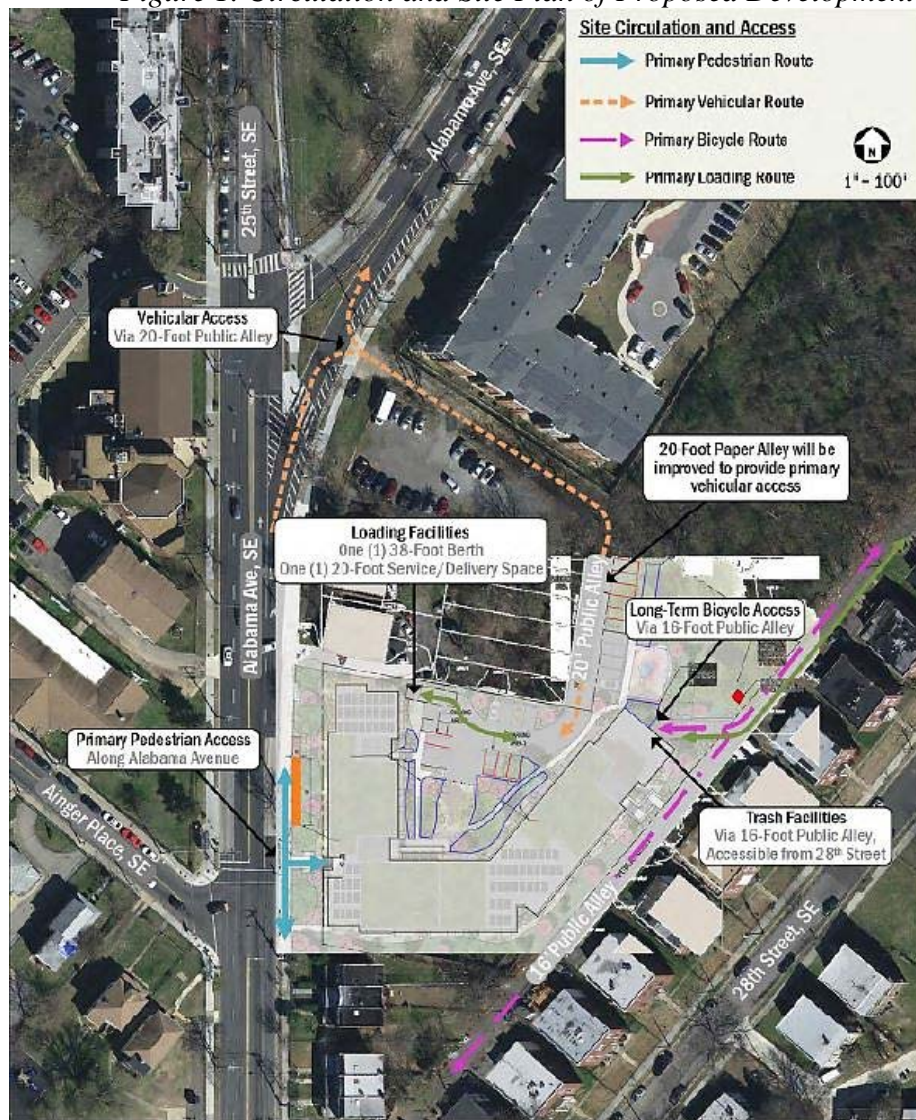
After the street or alley closing legislation becomes law and all conditions required by the Council and the Act have been satisfied, the Surveyor records a copy of the act and plat in the Office of the Surveyor. Thereafter, the street or alley is deemed closed, and title to the land reverts or vests 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 portion of the public alley to-be-closed is unimproved and located in Square 5730, bounded by Naylor Road, 28th Street, Gainesville Street, 25th Street, and Alabama Avenue, S.E. in Ward 8. The alley closing will allow for the consolidation of several lots, facilitating

construction of an 86-unit multifamily housing development, with all units affordable for households earning 60% MFI or below. Of the 86 units, 26 will be three-bedroom units, 28 will be two-bedroom units, and 32 will be one-bedroom units. The development was approved by the Board of Zoning Adjustment on September 18, 2019 for a special exception pursuant to 11 D.C. Municipal Regulations Subtitle U § 421 with several conditions, including the identification of Transportation Coordinators for the planning, construction, operations phases of the development and a requirement that the developer meet or exceed standards for short-and long-term bicycle parking requirements in the Zoning Regulations.<sup>2</sup> To ensure there is adequate vehicle access to the property, the developer will improve the remainder of the public alley, which has an entry and exit point on Alabama Avenue, S.E. Bicycle access will be provided via a 16-foot public alley on the east side of the development.

Figure 1. Circulation and Site Plan of Proposed Development



<sup>2</sup> Ibid.

At the Committee’s public hearing, the Surveyor testified that no utility companies or Executive agencies have objections to the alley closure. As introduced, Bill 24-408 contained language in Section 2 conditioning the closure of the portion of the public alley on the satisfaction of all conditions set forth in the official file for S.O. 19-45936. Given that there are no objections on file, the Committee Print removes this language.

### ***Conclusion***

The Committee finds that the portion of a public alley in Square 5730, as depicted on the attached Surveyor’s Plat is unnecessary for public alley purposes. The closure will facilitate the construction of a much needed 86-unit multifamily housing development, with all units affordable to households earning 60% MFI or below and a mix of unit sizes that will serve the needs of low-income individuals and families. Accordingly, the Committee recommends approval of the Committee Print for Bill 24-408.

## **II. LEGISLATIVE CHRONOLOGY**

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|-------------------|--|
| October 1, 2021   | Bill 24-408, the “Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021” is introduced by Chairman Mendelson at the request of the Mayor. |
| October 5, 2021   | Bill 24-408 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.                                     |
| October 8, 2021   | Notice of Intent to Act on Bill 24-408 is published in the <i>District of Columbia Register</i> .  |
| October 29, 2021  | Notice of a Public Hearing on Bill 24-408 is published in the <i>District of Columbia Register</i> .   |
| November 17, 2021 | The Committee of the Whole holds a public hearing on Bill 24-408.  |
| December 7, 2021  | The Committee of the Whole marks-up Bill 24-408.   |

## **III. POSITION OF THE EXECUTIVE**

Anna Chamberlin, Associate Director of the Planning and Sustainability Division at the District Department of Transportation (DDOT), testified at the Committee’s public hearing on November 17, 2021. Ms. Chamberlin said that DDOT has no objections to the closure but noted that the applicant must apply for proper permits to remove trees and work with the Urban Forestry Division to develop a Tree Preservation Plan for trees designated to remain within or adjacent to the limits of construction work.

Joseph Snider, D.C. Surveyor, testified at the Committee’s public hearing on November 17, 2021. He stated that the purpose of the bill is to allow the applicant to consolidate the property separated by the portion of the public alley to-be-closed for the construction of an all-affordable

apartment building. Mr. Snider said that the most probable estimate of value for the portion of public alley to be closed in Square 5730 as of January 1, 2021 is estimated at \$80,790 (3,118 S.F. X \$25.91). Mr. Snider noted that no utility companies or Executive agencies have objections.

#### **IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS**

At a regularly scheduled meeting on July 23, 2019, Advisory Neighborhood Commission (ANC) 8B voted 5-0-2 in support of the of development project. A letter from the Commissioner of Single Member District 8B02 in which the vote is noted is attached.

#### **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 24-408, on Wednesday November 17, 2021. The testimony summarized below pertains to Bill 24-408. Copies of all written testimony are attached to this report.

*Cary Kadlecek, Goulston & Storrs*, testified on behalf of the developer. Mr. Kadlecek testified that, in addition to all units being affordable, the project will satisfy the Green Communities standard and will include high-quality design that is not typical for affordable projects.

*Joseph Snider, 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 at the District Department of Transportation (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 24-408.

#### **VII. IMPACT ON EXISTING LAW**

Bill 24-408 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 24-408, the Committee finds that the requirements of the Act have been satisfied.

## VIII. FISCAL IMPACT

The attached September 21, 2021 fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2022 through FY 2025 budget and financial plan to implement the bill.

## 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 5730, as shown on the Surveyor's Plat filed in S.O. 19-45936.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

## X. COMMITTEE ACTION

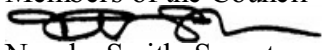
## XI. ATTACHMENTS

1. Bill 24-408 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. ANC Letter.
5. Surveyor's Plat.
6. Fiscal Impact Statement for Bill 24-408.
7. Legal Sufficiency Determination for Bill 24-408.
8. Committee Print for Bill 24-408.

**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 : Monday, October 4, 2021  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, October 01, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021", B24-0408

INTRODUCED BY: Chairman Mendelson, at the request of Mayor

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

Attachment  
cc: General Counsel  
Budget Director  
Legislative Services





**MURIEL BOWSER**  
**MAYOR**

October 1, 2021

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

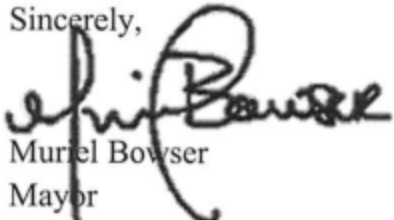
Enclosed for the consideration of the Council of the District of Columbia is legislation entitled "Closing of a Portion of a Public Alley in Square 5730, S.O. 19-45936, Act of 2021". This bill proposes the closing of a portion of the unimproved 20-foot wide unimproved dead-end alley in Square 5730 bounded by Naylor Road, 28<sup>th</sup> Street, Gainesville Street 25<sup>th</sup> Street and Alabama Avenue in Southeast Washington, D.C., in Ward 8. The applicant is the Way of the Cross Church of Christ Inc.

The purpose of this closing is to allow the construction of an all affordable apartment building with approximately 87 units. The project will also contain approximately 27 parking spaces. This closing will allow the applicant to consolidate its property separated by the alley and create a more efficient site plan for the proposed project.

Pursuant to D.C. Official Code §9-202-02(5) the application was referred to Advisory Neighborhood Commission (ANC) 8B on August 22, 2019. The Single Member District Commissioner for ANC 8B02 supports this application. The application was referred to the National Capital Planning Commission (NCPC) on August 22, 2019. In a letter dated September 26, 2019, NCPC determined that the application falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's guidelines. Accordingly, it has been determined that this project is exempt from Commission review. The applicant is the owner of all the property abutting the alley to be closed.

Enclosed is a copy of the plat for recording this closing along with a copy of the application for and draft legislation.

Sincerely,

  
Muriel Bowser  
Mayor





Chairman Phil Mendelson  
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the legal closing of a portion of the 20-foot wide unimproved dead-end public alley in Square 5730 in Southeast Washington, DC in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021”

Sec. 2. Pursuant to Section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of public alley in Square 5730, as shown on the Surveyor’s plat filed in the Surveyor’s Office (“S.O.”) file number 19-45936, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat. The approval of the Council of this alley closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. 19-45936.

Sec. 3. Fiscal Impact Statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia

32 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
33 206.02(c)(3)).

34 Sec. 4. Transmittal.

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

38 Sec. 5. Effective date.

39 This act shall take effect upon its approval by the Mayor (or in the event of veto  
40 by the Mayor, action by the Council to override the veto), and a 30-day period of  
41 Congressional review as provided in section 603(c)(1) of the District of Columbia Home  
42 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
43 206.02(c)(1)), and publication in the District of Columbia Register.

**Application of  
Alabama Apartments, LLC**

**Closing of a Portion of an Unimproved  
Public Alley in Square 5730**

**S.O. 19-45936      Bill 24-0408**

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

Application of Alabama Apartments LLC  
Bill 24-0408

Closing a Public Alley in Square 5730  
S.O. 19-45936

**STATEMENT OF THE APPLICANT**

**I. BACKGROUND**

Alabama Apartments LLC (the “**Applicant**”), requests the closing of an approximately 3,118-square foot portion of the unimproved 20-foot-wide dead-end alley abutting Lots 7, 9, 11, 123-126, 800, 801, 863 and 865 in Square 5730, as shown on the plats attached at Exhibit A, pursuant to D.C. Code § 9-202.05(1). As discussed in greater detail herein, this application satisfies all applicable requirements of the code, and the Applicant requests that the Council approve Bill 24-0408.

Bill 24-0408 effectuates the proposed alley closing that will allow the Applicant to consolidate its properties adjacent to the alley and provide for the development of an 86-unit all-affordable residential building (the “**Project**”). The alley closing allows for a more efficient site plan for the Project. The remaining portion of the existing 20-foot-wide alley to the north of the Property, and the existing 16-foot-wide alley to the east of the Project will remain open and unaffected by this application and the associated legislation.

In September 2019, the Board of Zoning Adjustment (“**BZA**”) reviewed and approved the Project in BZA Case No. 20110.

**A. LOCATION OF PROJECT**

The Property is located in the Knox Hill neighborhood in Ward 8. It contains approximately 60,787 square feet of land area. The Property is mostly unimproved but contains a small building formerly used as a church. The Property is an irregularly-shaped tract bordered by Alabama Avenue SE to the west, a 16-foot wide public alley to the east, a small apartment building and unimproved land to the north, and semi-detached dwellings to the south. The Property is partially bisected by the proposed alley to be closed.

The surrounding area is a mix of residential and institutional uses. Across Alabama Avenue to the west are two churches and a small three-story apartment building. Across the 16-foot alley to the east are multiple two-story apartment buildings. Further to the north along Alabama Avenue and 25th Street SE are large three-story apartment buildings. Stanton Elementary School is located approximately 1/3 mile to the north between 25th Street and Alabama Avenue, and on the south side of the school is a large recreational field and baseball diamond. The Skyland redevelopment project is located approximately ½ mile to the north.

The Property is located in the Moderate Density Residential land use category on the Future Land Use Map and is in the RA-1 Zone District.

## B. THE PROJECT

As shown in the Project drawings attached as Exhibit B (the “Plans”), the Applicant proposes to construct a new all-affordable apartment building with 86 units and 21 surface parking spaces. The three-story plus cellar building will have a “U” shape with a large courtyard opening to the north. The parking spaces and loading facilities will be located within the courtyard, which will be accessed from the north via the remaining portion of the 20-foot public alley, much of which the Applicant will improve. However, trash pick-up will occur from the 16-foot alley to the east so that it is separated from the rest of the building’s operations. To the northeast of the building will be a large landscaped area and a tot lot. The Project will be three above-grade stories, but it will step down to the east as the topography slopes downward toward the 16-foot alley. The roof of the building will contain both green roof and solar panel arrays.

As shown in the Plans, the Project will have a high-quality design that is articulated on all sides. The material and color selections will reflect a superior design not typical of affordable projects. The Project will add 86 affordable units to a site where no housing currently exists. The Project will accommodate multiple household types, from singles to families: approximately 37% of the units will be one-bedrooms, 33% two-bedrooms, and 30% three-bedrooms.

## C. PUBLIC BENEFITS OF THE PROJECT

The Project includes public benefits and amenities for both the immediately-surrounding community and the District as a whole. The Project’s public benefits and amenities include:

- **Affordable Housing**: The Project provides 86 new units of affordable housing, all of which are affordable to households earning at most 60% MFI or below. Some of the units are reserved for households earning 30% MFI and below.
- **Sustainable Design**: The Project is designed to be certified in accordance with the 2015 Enterprise Green Communities (“**Green Communities**”) criteria.
- **Urban Design/Architecture**: As shown on the Plans, all of the building’s elevations will incorporate high-quality architectural design that will visually enhance the streetscape through articulation and varied materials. This design will wrap the entire building to avoid having distinct “sides” and “rear” of lower quality design. This important decision to extend the design to all of the building will allow for positive visual experience of the building from every angle and make sure that the building is an architectural asset to the neighborhood.
- **Landscaping**: The Project will include extensive landscaping meant to enhance the site for both the residents and the neighborhood. As shown on the Plans, the landscaping will incorporate varied plants and trees as well as other materials to create a visually pleasing experience. Residents will be able to enjoy passive recreation in the landscaped area on the northeast area of the site. In addition, the site plan will incorporate a small “tot lot” near the courtyard for children who reside in the Project.

- **Efficient Site Planning**: The Applicant seeks to improve the largely undeveloped site with an attractive new building in a location that is well-served by existing and planned transit options and that is located near public services with a variety of recreational opportunities.

#### D. COMMUNITY DIALOGUE PROCESS

The Applicant has engaged in outreach to the surrounding community regarding the alley closing process and the associated approval of the BZA Application underlying the Project. Since the Project development process commenced in early 2019, the Applicant has held or presented at numerous public meetings with the ANC, and individuals and responded to questions and received feedback via phone and email. The Applicant continues to meet regularly with the SMD Commissioner.

#### E. AGENCY AND UTILITY COMPANY REVIEW

The Applicant also met or corresponded with numerous District agencies, including the Office of Planning (“**OP**”), District Department of Transportation (“**DDOT**”), as well as with utility companies to review the Project and the proposed alley closing. Each of the affected agencies and utility companies has approved or has no objection to the application. (See reports attached as Exhibit C.)

## **II. COMPLIANCE WITH THE STREET AND ALLEY CLOSING AND ACQUISITION PROCEDURES ACT OF 1982**

### A. THE CLOSING OF THE PUBLIC ALLEY IN SQUARE 5017 IS CONSISTENT WITH THE STREET AND ALLEY ACQUISITION PROCEDURES ACT OF 1982

The legal standard for closing a right-of-way is whether it is “unnecessary for street or alley purposes.” D.C. Code § 9-202.01. This application satisfies that standard because the portion of the alley in Square 5730 to be closed is currently unimproved, so it is not used or necessary for parking or loading access to any property, is not necessary for through traffic maneuvers, and results in no adverse impacts on the transportation network.

The portion of the alley to be closed is adjacent to only lots that the Applicant owns and that will be occupied by the Project once it is constructed. Following the closure of the alley and construction of the Project, the remaining 20-foot-wide alley to the north will be improved, and the 16-foot-wide alley to the east of the Project will remain open and in service to the other properties along the alley network.

Gorove/Slade Associates, the traffic and parking consultants for the Project, prepared an assessment of the Project’s traffic and parking impacts during the BZA proceeding. A copy of the Project’s transportation study is attached as Exhibit D. As the study found, the Project is not expected to have an adverse impact on the surrounding transportation network. Furthermore, the Project will not have an adverse impact on the public alley system within Square 5730.

Based on the reports from DDOT, OP, and other District agencies and public utilities, the alley proposed to be closed is unnecessary for alley purposes, and, accordingly, the closing will have no adverse effect on the transportation network in the area.

**B. THE PROPOSED CLOSING IMPLEMENTS DISTRICT PLANNING OBJECTIVES**

The proposed alley closing has been reviewed in detail by all relevant District of Columbia agencies and by the appropriate public utilities, and none raised any objections to the proposed application. OP specifically confirmed that the alley closing is not inconsistent with the District's planning policies, including the policies of the Comprehensive Plan.

Therefore, the Applicant submits that the reports of the District agencies and public utilities in the record of this case, the consistency of the project with the Comprehensive Plan, and the BZA approval of the Project are all evidence of the application's compliance with the planning objectives of the District. The consistency of the Project with the Comprehensive Plan is discussed in detail below in Section III.

**C. ECONOMIC IMPACTS OF THE ALLEY CLOSING AND PUD PROJECT**

The alley closure will generate new tax revenue for the District through the construction and occupancy of the Project.

**III. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND  
THE ZONING REGULATIONS**

**A. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER PLANNING DOCUMENTS**

The Project is not inconsistent with the Comprehensive Plan and advances numerous goals and policies enumerated in the Comprehensive Plan for the National Capital adopted in 2006 (the "**Comprehensive Plan**" or "**Plan**"), as amended.

The purposes of the Comprehensive Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve District and community goals; (e) maintain and enhance the natural and architectural assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District. *See* D.C. Code § 1-306.01(b).

The Project advances these purposes by furthering the social and economic development of the District by constructing new affordable residential units on underutilized land, offering a design that prioritizes transit and pedestrian activity over automobiles, and improving the urban design and landscaping surrounding the Property in an orderly fashion and in a way that conserves, stabilizes, and improves the surrounding neighborhood.

The Project advances numerous citywide and area elements of the Comprehensive Plan.



## 1. Framework Elements and Maps

The Framework Element provides guidelines for using the Future Land Use Map and Generalized Policy Map. This Element states that the Future Land Use Map should be interpreted “broadly” and notes that the zoning for an area should be guided by the Future Land Use Map interpreted in conjunction with the text of the entire Comprehensive Plan. Comprehensive Plan § 228.1. The purpose of the Generalized Policy Map is to categorize how different parts of the District may change up through 2025. *Id.* § 225.1.

On the Future Land Use Map (“**FLUM**”), the Property is designated for Moderate Density Residential land use. The Project’s use, height, and overall density are consistent with the FLUM designation. The Project’s proposed height of 37 feet and density of 1.08 floor area ratio are within the maximums allowed in the RA-1 zone, which is a zone expressly contemplated for this FLUM designation. In particular, the Project is a “low-rise apartment” contemplated in the designation.

## 2. Land Use Element

The Project is not inconsistent with the Land Use Element and affirmatively advances the following specific policies of that Element:

- ***Policy LU-1.4 Transit-Oriented and Corridor Development*** (“Fully capitalizing on the investment made in Metrorail requires effective use of the land around transit stations and along transit corridors. . . . Certain principles should be applied in the management of land around all of the neighborhood stations. These principles include: Providing diverse housing types, including both market-rate and affordable units . . . housing for older adults . . . A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; ”) (10-A DCMR §§ 307.2, 307.4.)
- ***Policy LU-1.5.1 Infill Development*** (“Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern.”) (*Id.* § 308.6)
- ***Policy LU-1.5.2 Long-Term Vacant Sites*** (“Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints.”) (*Id.* § 308.7)
- ***Policy LU-2.1.1 Variety of Neighborhood Types*** (“Maintain a variety of neighborhoods, ranging from low-density to high-density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for

new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity.”) (*Id.* § 310.7)

- ***Policy LU-2.1.3 Conserving, Enhancing, and Revitalizing Neighborhoods*** (“Recognize the importance of balancing goals to increase the housing supply, including affordable units, and expand neighborhood commerce with parallel goals to preserve historic resources, advance environmental and sustainability goals, and further Fair Housing. The overarching goal to create vibrant neighborhoods in all parts of the District requires an emphasis on conserving units and character in some neighborhoods and revitalization in others, including inclusive and integrated growth and meeting communities and public facility needs. All neighborhoods have a role to play in helping to meet broader Districtwide needs, such as affordable housing, public facilities, and more.”) (*Id.* § 310.10)
- ***Policy LU-2.1.11 Residential Parking Requirements*** (“Parking requirements for residential buildings should respond to the varying levels of demand associated with different unit types, unit sizes, unit locations (including proximity to transit), and emerging transportation trends and new technology (such as the sharing economy and autonomous vehicles (AVs)). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation-demand management measures are implemented and a reduction in demand can be demonstrated.”) (*Id.* § 310.18)
- ***Policy LU-2.2.4 Neighborhood Beautification*** (“Encourage projects that improve the visual quality of neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park improvements, and public realm enhancements and activations.”) (*Id.* § 311.5)

First, the Land Use Element encourages infill development generally, especially on vacant sites near transit corridors. Here, the Project’s proximity to Priority Corridor Network Metrobus Routes, the long vacancy of the Property, and the infill location in an established neighborhood advances Policies LU-1.3, 1.5.1, and 1.5.2.

Second, the all-affordable residential use at the Project meets the goals of maintaining a variety of neighborhood types and enhancing and revitalizing neighborhoods.

Third and finally, the Land Use Element encourages creative parking management to respond to the level of demand and mitigate congestion as well as projects that enhance the overall aesthetic quality of existing neighborhoods. Here the Project meets the objectives of the Land Use Element by offering an appropriate amount of off-street parking for the Project, removing a vacant lot, and providing attractive architecture and landscaping in a manner not inconsistent with Policies LU-2.1.11 and 2.2.4.

### 3. Other Elements

The Project also advances policies in the Transportation, Housing, Environmental Protection, and Urban Design Elements of the Comprehensive Plan, including:

- ***Policy T-1.1.4 Transit-Oriented Development*** (“Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations.”) (*Id.* § 403.10)
- ***Policy T-2.4.1 Pedestrian Network*** (“Develop, maintain, and improve pedestrian facilities. Improve the District’s sidewalk system to form a safe and accessible network that links residents across Washington, DC.”) (*Id.* § 411.5)
- ***Policy H-1.1.1 Private Sector Support*** (“Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.”) (*Id.* § 503.3)
- ***Policy H-1.1.3 Balanced Growth*** (“Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing.”) (*Id.* § 503.5.)
- ***Policy H-1.1.5 Housing Quality*** (“Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities.”) (*Id.* § 503.7)
- ***Policy H-1.1.9 Housing for Families*** (“Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District’s most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a

variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites.”) (*Id.* § 503.11)

- ***Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority*** (“The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods.”) (*Id.* § 504.8)
- ***Policy E-2.1.3 Sustainable Landscaping Practices*** (“Encourage the use of sustainable landscaping practices to beautify the District, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. District government, private developers, and community institutions should coordinate to significantly increase the use of these practices, including planting and maintaining mostly native trees and other plants on District-owned land outside the right-of-ways in schools, parks, and housing authority lands..”) (*Id.* § 605.7)
- ***Policy E-2.3.1 Preventing Erosion*** (“Public and private construction activities should not result in soil erosion or the creation of unstable soil conditions. Support the use of retaining walls and other best management practices on new and existing properties that reduce erosion hazards. Erosion requirements shall be implemented through building permit and plan reviews and enforced through the permitting and regulatory processes.”) (*Id.* § 607.2)
- ***Policy E-3.2.7 Energy-Efficient Building and Site Planning*** (“Include provisions for energy efficiency and for the use of alternative energy sources in the District’s planning, zoning, and building standards. Encourage new development to exceed minimum code requirements and contribute to energy efficiency and clean energy goals.”) (*Id.* § 612.9)
- ***Policy E-4.1.1 Maximizing Permeable Surfaces*** (“Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce runoff”) (*Id.* § 615.3)
- ***Policy E-4.1.2 Using Landscaping and Green Roofs to Reduce Runoff*** (“Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.”) (*Id.* § 615.4)

- **Policy UD-2.2.1: Neighborhood Character and Identity** (“Strengthen the defining visual qualities of Washington, DC’s neighborhoods as infill development and building renovations occur by encouraging the use of high-quality and high-performance architectural designs and materials. In neighborhoods with diverse housing types, or when introducing more diverse infill housing types, use design measures to create visual and spatial compatibility.”) (*Id.* § 909.5)
- **Policy UD-1.2.1 Respecting Natural Features in Development** (“Respect and perpetuate the natural features of Washington, DC’s landscape as part of new development. In wooded or hilly areas, new construction should preserve natural features rather than alter them to accommodate development. Development in such areas should be clustered to protect topography and provide setbacks as needed to protect natural features, such as large trees, rock outcroppings, streams, and wetlands.”) (*Id.* § 904.3)
- **Policy UD-2.2.5 Infill Development** (“New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs.”) (*Id.* § 909.10)
- **Policy UD-4.2.4 Creating Engaging Facades** (“Design new buildings to respond to the surrounding neighborhood fabric by modulating façade rhythms and using complementary materials, textures, and color, as well as well-designed lighting. Varying design tactics may be used to engage a building with its surroundings. In contexts with smaller lot sizes and multiple closely spaced building entrances, breaking up a building façade in the vertical direction is encouraged, along with strongly defined and differentiated bases, centers, and tops of buildings. In areas lacking a strong building-form pattern, the use of complementary or reinterpreted materials and colors could strengthen architectural identity see Figure 9.19 for recommended façade design strategies.”) (*Id.* § 918.6)
- **Policy FSS-1.1.4 Infill Housing Development** (“Support infill housing development on vacant sites within Far Southeast/Southwest, especially in Historic Anacostia and in the Hillside, Fort Stanton, Bellevue, Congress Heights, and Washington Highlands neighborhoods. Infill with affordable housing options can help meet the demand of low-income families currently living in the Planning Area, reduce the rates of families living without housing, and decrease the affordable housing waitlist. Infill with housing for persons of low and moderate income can help provide homes for persons and families who might otherwise be displaced from Washington, DC due to high housing costs.”) (*Id.* § 1808.5)
- **Policy FSS-R.1.1.16 Resilient Housing** (“Encourage the use of climate-resilient and energy-efficient design practices for new residential developments, especially in the construction of affordable housing units. These practices include cool and living

roofs, solar shading, natural ventilation, and other passive cooling techniques that will reduce the impacts of extreme heat events on the area's most vulnerable residents. They also include the use of green infrastructure methods that can reduce the urban heat island effect and potential flooding risks by preserving or expanding green space, tree cover, and other natural features.”) (*Id.* § 1808.17)

The Transportation Element encourages pedestrian-oriented development with improved pedestrian networks. The Project is a model transit-oriented development and will improve the sidewalk adjacent to the site. The Project is located in close proximity to multiple nearby Priority Corridor Network Metrobus Routes, including on Alabama Avenue right in front of the site. Therefore, the Project site encourages residents and employees to utilize public transit based on the convenient proximity and opportunity to do so. Further, the Project provides at-grade parking at the Property, but it does not provide more parking that is necessary and is not oriented around parking. This enables the Project to account for traffic generated by the Project, while still encouraging pedestrian access to the site, thus furthering the Transportation Element's policies cited above.

By virtue of the Project's program as an affordable residential development with a high-quality design, the Project also substantially promotes the Housing Element. The Project will produce high-quality housing guaranteed affordable for low and moderate incomes, and nearly 1/3 of the units will be family-sized. Thus, the Project will advance the Housing Element's policies cited above.

The Project also advances numerous objectives of the Environmental Protection Element that seek to ensure sustainable landscaping is part of new development, avoid environmental impacts such as erosion, and encourage construction of buildings with “green” (i.e., energy-efficient and water-efficient) technology (e.g., solar panels) and green roofs. The Project goes far and beyond the ordinary degree of environmental sustainability and exceeds the minimum requirements under the Green Communities rating system. Accordingly, the Project will advance the Environmental Protection Element's policies cited above.

Further, the Project advances certain elements of the Urban Design Element. Notably, the Project was designed to respect and integrate into the site's natural topography, respect and be compatible with the neighborhood context, and have high quality architectural design and materials. Accordingly, the Project will advance the Urban Design Element's policies cited above.

Finally, the Project advances certain elements of the Far Southeast/Southwest Area Element constructing infill affordable housing development on a vacant site, allowing people to remain as residents in the District of Columbia. In addition, the Project incorporates numerous sustainable design features that reduce the heat island effect and limit energy consumption. Accordingly, the Project will advance the Far Southeast/Southwest Area Element's policies cited above.

In sum, the Project affirmatively advances a number of policy objectives of the Comprehensive Plan and is otherwise not inconsistent with the Comprehensive Plan.

B. CONSISTENCY WITH THE APPLICABLE ZONING

The alley closing is part of a development that has already been approved through the BZA process. Accordingly, the Project meets the standards of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; enhances the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of the application; provides significant public benefits; and advances important goals and policies of the District of Columbia.

**IV. WITNESSES**

1. Cary Kadlecek, Land Use Counsel, Goulston & Storrs, PC
2. Mustafa Durrani, Durrani Development (Alabama Apartments LLC)
3. Greg Sparhawk, AIA, project architect, GPS Designs

**V. LIST OF EXHIBITS**

<u>Exhibit A</u>	Draft Surveyor's Plat and Plat of Subject Site and Surrounding Area
<u>Exhibit B</u>	Proposed Project Drawings
<u>Exhibit C</u>	District Agency Reports
<u>Exhibit D</u>	Transportation Study
<u>Exhibit E</u>	BZA Order No. 20110

**VI. CONCLUSION**

For the above-stated reasons, the Applicant respectfully requests that the Council approve this application.

Respectfully submitted,

GOULSTON & STORRS, PC

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Cary Kadlecek, Esq.  
Goulston & Storrs, PC  
1999 K Street NW, Suite 500  
Washington, DC 20006  
(202)721-0011  
ckadlecek@goulstonstorrs.com



**BEFORE THE DISTRICT OF COLUMBIA CITY COUNCIL**

**B24-408 — SQUARE 5730 ALLEY CLOSING**

**TESTIMONY OF CARY KADLECEK, GOULSTON & STORRS,**  
**COUNSEL TO ALABAMA APARTMENTS LLC**

Good afternoon Mr. Chairman and members of the Committee. My name is Cary Kadlecek with Goulston & Storrs, and I serve as land use counsel for Alabama Apartments LLC on the proposed multifamily residential development to which this alley closing application pertains. I will be presenting all of the testimony in this case.

We submitted our written statement and materials in support of the proposed alley closing to the Committee of the Whole on November 12. As we noted in the statement, this application satisfies all applicable requirements of the D.C. Code, will further many of the goals and policies of the Comprehensive Plan, and will enable a new all-affordable residential apartment building with family-sized units to be constructed.

With this application, the Applicant proposes to close a 20-foot-wide segment of an unimproved and dead-end alley segment that bisects the development site. The subject property and alley segment are located on Alabama Avenue SE between Gainesville Street and Naylor Road in Ward 8.

The alley segment we are proposing to close is located among multiple lots, all owned by the developer, and no portion of the alley segment proposed to be closed will be adjacent to properties with other owners. The alley network runs mostly north-south through Square 5730 and connects to Alabama Avenue to the west and further north to Naylor Road. This alley network in the square is almost entirely unimproved. Closing this alley segment will allow the

development site to be combined into one that then allows construction of the proposed building. The rest of the alley network in the square will remain open, and the developer has committed to improving the alley from the development site leading out to Alabama Avenue.

The closed alley segment will facilitate the construction of a new all-affordable residential building. The project will consist of a U-shaped three-story building with 86 units and 21 surface parking spaces. The project will contain a mix of 1-bedroom, 2-bedroom, and 3-bedroom units. The project been designed with many sustainable features: it will satisfy the Green Communities standard and will include green roof, rooftop solar, and high efficiency building performance features. In addition, the project will include a high-quality design and pallet of materials that are not typical of an affordable project. Finally, the project will incorporate extensive landscaping and a “tot lot” for family residents.

The project previously underwent Board of Zoning Adjustment review and approval, so the development team has engaged the community and, in particular, ANC 8B, the affected ANC, throughout the entitlement process for the project, including regarding this alley closing application. As a result, ANC 8B provided a letter in support of the application, and the development team continues to regularly meet with the SMD Commissioner and will continue to do so.

We also have coordinated with numerous District agencies for both the BZA application and this application, including the Office of Planning and DDOT. We note that each of the affected agencies and utility companies has approved or has no objection to this application. The development team will continue to coordinate with utilities and agencies as necessary throughout the permitting and construction process.

With that I will conclude my remarks. I'm available to answer any questions the Council may have and appreciate the opportunity to testify today.

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



**Public Hearing on**

**Bill 24-408, the “Closing of a Portion of a Public Alley in Square 5730,  
S.O. 19-45936, Act of 2021”**

**Testimony of  
Joseph Snider  
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**

**November 17, 2021  
12:00 p.m.**

Good afternoon, Chairman Mendelson, members, and staff of the Committee of the Whole. I am Joseph Snider, the Surveyor of the District of Columbia at the Department of Consumer and Regulatory Affairs. I appear before you today to provide testimony on B24-408, “Closing of a Portion of a Public Alley in Square 5730, S.O. 19-45936, Act of 2021.”

The purpose of this bill is to allow the applicant to consolidate the property separated by the alley for the construction of an all-affordable apartment building with approximately 87 units and approximately 27 parking spaces in Ward 8. The applicant is the Way of the Cross Church of Christ Inc., who is represented by Goulston & Storrs. The portion of the alley to be closed in Square 5730 was created by a Plat of Subdivision titled “Estate of Thomas Thomas,” recorded October 9, 1875, in Subdivision Book Governor Shepherd, Page 33. Title to the portion of the alley to be closed could not be determined to be held by the District of Columbia or the United States. The most probable estimate of value as of January 1, 2021, which represents tax year 2021 for the public alley closed in Square 5730 is \$80,790 (3,118 s.f. x \$25.91 estimated per square foot). The estimate is rounded and based on the average adjusted rates of lots 7, 9, 11, 122-126, 800, 801, 861, 863, and 865 in Square 5730.

The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of the application on August 22, 2019. The Executive Branch agencies and the utility companies have no 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 August 22, 2019. In a letter dated September 26, 2019, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC’s submission guidelines. Specifically, NCPC concluded that the project meets the requirements of Exception 8, which

includes a street or alley closing located outside of the boundary of the L'Enfant City (Plan of the Federal City) under the following conditions: 1) the street or alley is not adjacent to federal property and 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 the public to review on the NCPC website and no comments were received.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 8B was notified of this application on August 22, 2019. ANC 8B voted in favor of this application. The applicant is the owner of the lots abutting the portion of the alley to be closed.

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

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



Public Hearing on

Bill 24-408, Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021

Bill 24-418, Closing of a Public Alley in Square 5612, S.O. 21-06924, Act of 2021

Bill 24-442, Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021

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

Wednesday, November 17, 2021  
12:00 p.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 Acting DDOT Director Everett Lott regarding the following three bills: Bill 24-408, the "Closing of a Portion of a Public Alley in Square 5730 S.O. 19-45936, Act of 2021," Bill 24-418, the "Closing of a Public Alley in Square 5612, S.O. 21-06924, Act of 2021," and Bill 24-442, the "Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021."

The stated purpose of Bill 24-408 is to close a portion of the unimproved dead-end alley in Square 5730 bounded by Naylor Road, 28th Street, Gainesville Street, 25th Street, and Alabama Avenue in Southeast Washington, D.C., in Ward 8. The applicant is the Way of the Cross Church of Christ Inc. DDOT filed a report with the Office of the Surveyor on November 19, 2019, related to S.O. 19-45936. DDOT has no objections to the closure, but would like to clarify that the applicant must apply for the proper permits to remove trees, and work with the Urban Forestry Division (UFD) to develop a Tree Preservation Plan for those designated to remain within or adjacent to the limits of work, as stated in the S.O report.

The stated purpose of Bill 24-418 is to order the closing of a portion of a public alley system in Square 5612, bound by Good Hope Road, 17th Street, T Street, and 18th Street in the southeast quadrant of Washington, DC, in Ward 8. DDOT filed a report with the Office of the Surveyor on November 10, 2021, related to S.O. 21-06924. DDOT objects to the alley closure of any segments of the existing alley right-of-way in Square 5612. DDOT finds there is a future transportation need for this alley to provide access to adjacent lots and circulation for vehicles

and trash trucks. Closure of this alley segment would preclude a future connection between the two existing built segments to the west and east.

The stated purpose of Bill 24-442 is to order the closing of a portion of the 15-foot wide east-west public alley in Square 5138 in Ward 7. DDOT filed a report with the Office of the Surveyor on June 29, 2021, related to S.O. 20-07517. DDOT's report noted that the agency objected to the proposed dedication until several conditions are met. This first condition is that the Applicant moves forward with a formal building permit application with the Department of Consumer and Regulatory Affairs (DCRA) for a project substantially similar to the site plan shown in its application. This condition has been met. The second condition is that the Applicant will install appropriate signage and striping to convert the remaining 15-foot public alley network to one-way from 46th Street, NE westbound and southbound to Central Avenue. The Applicant has submitted a signage and striping plan for DDOT's review and approval as a step towards meeting this condition. The final condition is that the Applicant receives approval from UFD for a Tree Preservation Plan or receives tree removal permits for the trees located on adjacent properties that may be impacted by the development. The Applicant has submitted the permit application for this condition. Once these remaining two conditions have been fully met, DDOT will remove its objection to the recordation of the plat.

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. 8104

September 26, 2019

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

Re: 8104 (Closing of a Public Alley in Square 5730 - S.O. 19-45936)

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 include the 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 Carlton Hart at (202) 482-7252 or [carlton.hart@ncpc.gov](mailto:carlton.hart@ncpc.gov).

Sincerely,



Diane Sullivan  
Director, Urban Design and Plan Review



ADVISORY NEIGHBORHOOD COMMISSION 8B02

COMMISSIONER PAUL TRANTHAM

202.684.1109 202.317.1665

EMAIL: 8B02@ANC.DC.GOV

D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 200S
Washington, DC 20001
bz submissions@dc.gov

Re: New Affordable Apartment Building at 2483-2491 Alabama Ave. SE

Dear Members of the Board:

On July 23, 2019, at a duly-noticed regular public meeting with an established quorum of commissioners present, Advisory Neighborhood Commission 8B voted 5-0-2 in favor of providing a letter of support regarding the proposed new all-affordable 86 unit apartment building. The development team has filed an application with the D.C. Surveyor (No. SO-05668) for a closing of a portion of a public alley surrounded by the project site and an application with the Board of Zoning Adjustment (Case No. 20110) for approval of new residential development in the RA-1 zone in which the subject property is located. ANC 8B supports both applications.

The Commissioners have reviewed the development plans and believe that this project will be a great addition to the community.

With respect to the alley closing application, the proposed portion of the alley to be closed dead-ends, is unimproved, and is surrounded entirely by the project site. The closing of the alley would not adversely affect any of the other properties sharing this alley. The alley closing will allow the developer to consolidate the portion of the property separated by this alley segment and will allow for a more efficient site plan. Parking access for the project will be via this alley system, so the developer will improve much of the remaining public alley, which will benefit both this project and other surrounding properties.

With respect to the BZA application, the proposed building has a high quality design, attractive landscaping, and site plan that will integrate well into the neighborhood. The project will provide ample open space and a children's playground for residents. The project will add new and needed affordable housing to a site where none currently exists. Adequate parking will be provided and will not create on-street parking or traffic problems. Public recreation facilities in the neighborhood will be able to accommodate the project's residents.

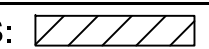
We ask that you approve these applications so that this important project may be built.

Sincerely,

Handwritten signature of Paul Trantham

ANC Commissioner Paul Trantham
8B02 Single Member District

Board of Zoning Adjustment
District of Columbia
CASE NO.20110
EXHIBIT NO.30

PURSUANT TO D.C. LAW \_\_\_\_\_, EFFECTIVE \_\_\_\_\_  
THE ALLEY SHOWN THUS:  IS CLOSED AND TITLE VESTS  
AS SHOWN UPON RECORDATION OF THIS PLAT.

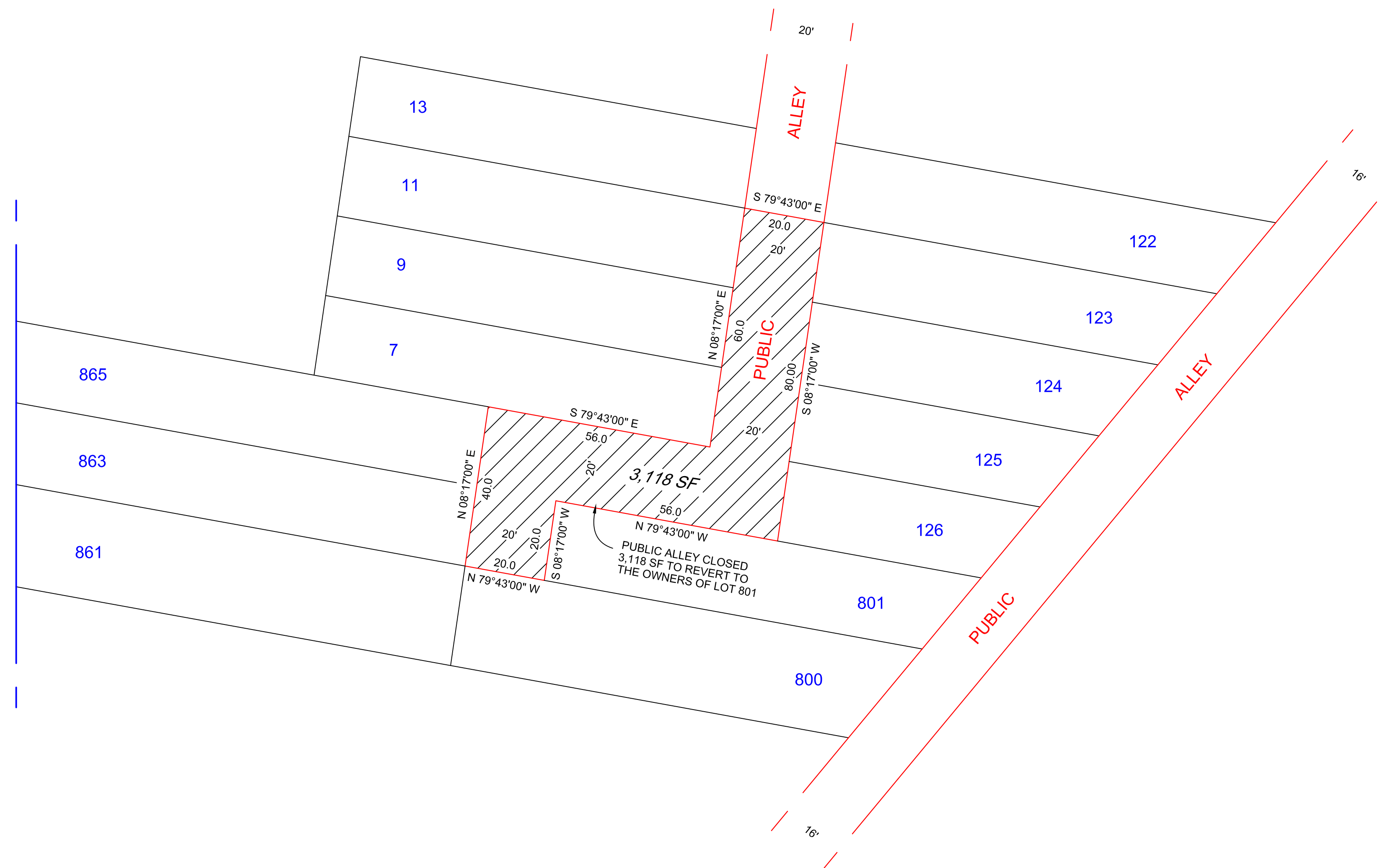
# PUBLIC ALLEY CLOSED SQUARE 5730

OFFICE OF THE SURVEYOR, D.C.  
\_\_\_\_\_, 2019

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

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

ALABAMA AVENUE, S.E.



## SURVEYOR'S OFFICE, D.C.

Made for: GOULSTON & STORRS  
Drawn by: A.S. Checked by: \_\_\_\_\_  
Record and computations by: B. MYERS  
Recorded at: \_\_\_\_\_  
Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ SR-19-05668  
Scale: 1 inch = 20 feet File No. 19-45936  
2019/ALLEY CLOSING/SR-19-05668-SQ.5730


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



**Fitzroy Lee**  
Interim Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Fitzroy Lee  
Interim Chief Financial Officer 

**DATE:** September 21, 2021

**SUBJECT:** Fiscal Impact Statement – Closing of a Portion of a Public Alley in  
Square 5730 S.O. 19-45936, Act of 2021

**REFERENCE:** Draft Introduction as provided to the Office of Revenue Analysis on  
September 21, 2021

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**Conclusion**

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill.

**Background**

The bill authorizes the closure of a 3,118 square feet portion of a 20 foot wide unimproved dead-end public alley in Square 5730, east of Alabama Ave., S.E. and north of Gainesville St., S.E., in Ward 8.<sup>1</sup> The alley closure will facilitate construction of an 87 unit housing development. There are no current objections by relevant utilities or executive agencies to the closure of the alley.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The property will become taxable to the District, but any tax revenues generated will depend on the final assessed value of the properties once the title is transferred.

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<sup>1</sup> For tax and assessment purposes, the alley is in Square 5730, as shown on the Surveyor's plat filed in S.O. 19-45936. The Office of Tax and Revenue estimated the most probable assessed land value for the portion of alley to be closed at \$74,370 or \$24.75 per square foot as of February 2020. The final assessed value will be adjusted when title is transferred.

1 **COMMITTEE PRINT**  
2 **Committee of the Whole**  
3 **December 7, 2021**

4  
5  
6  
7  
8  
9 A BILL

10  
11 24-408

12  
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

14  
15 \_\_\_\_\_  
16  
17 To order the closing of a portion of the 20-foot-wide unimproved public alley in Square 5730 in  
18 Ward 8.

19  
20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
21 act may be cited as the “Closing of a Portion of a Public Alley in Square 5730, S.O. 19-45936,  
22 Act of 2021”.

23 Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved  
24 December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street  
25 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law  
26 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of the public alley  
27 system in Square 5730, as shown on the Surveyor’s plat filed in S.O. 19-45936, is unnecessary  
28 for alley purposes and orders it closed.

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 4a of 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 following 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.