

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 7, 2021

SUBJECT: Report on Bill 24-442, “Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021”

The Committee of the Whole, to which Bill 24-442, the “Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, 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 8, 2021, Bill 24-442, the “Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021” was introduced by Councilmember Vince Gray. Bill 24-442 would close a portion of a public alley in Square 5138 bounded by 4th Street, N.E., Blaine Street, N.E., and 46th Street, N.E., in Ward 7. The alley closure will facilitate the construction of a 156-unit, assisted living facility for the elderly that with all units affordable at 60% median family income or below.¹ The facility will be located less than 250 feet from the Benning Road Metrorail Station, and the developer is working closely with Industrial Bank to occupy a portion of the ground-floor space so residents can have easy access to an ATM and other bank amenities.

¹ Written communication with Cary Kadlecck, Counsel to the developer of the project, December 2, 2021.

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 24-442, 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 24-442, 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 in Square 5138, bounded by 45th Street, N.E., Blaine Street, N.E., and 46th Street, N.E., in Ward 7. The alley closure will allow the developer to consolidate Lots 137 and 145, facilitating the construction of a 156-unit assisted living facility for

the elderly. All units in the facility will be affordable at 60% median family income or less.² The facility will be located less than 250 feet from the Benning Road Metrorail Station, described by the Comprehensive Plan as one with currently low usage.³ The developer is currently working with Industrial Bank, who occupies a portion of the site that will be redeveloped, to occupy a portion of the ground-floor space so residents can have easy access to an ATM and other bank amenities. Finally, the developer testified that the project includes a non-profit sponsorship and will create over 80 permanent jobs paying more than the District's living wage.⁴

Figure 1. Rendering of Proposed Assisted Living Facility



At the Committee's public hearing, the Surveyor testified that only the District Department of Transportation has outstanding objections. Anna Chamberlin, Associate Director of the Planning and Sustainability Division at the District Department of Transportation, testified that the agency objects to the closure until the following conditions are met:

- The developer moves forward with a formal building permit application for a project substantially similar to the site plan shown in its application;
- Appropriate signage and striping are installed to convert the remaining 15-foot public alley network to one-way from 46th Street, N.E., westbound and southbound to Central Avenue; and

² *Ibid.*

³ 10-A DCMR 1714.

⁴ Testimony of Oussama Souadi, Partner with Gragg Cardona Partners, November 17, 2021.

- Approval from the Urban Forestry Division of a Tree Preservation Plan or permits for tree removal for any trees located on adjacent properties that may be impacted by the development.

The developer has met the first condition and has agreed to these meet the other two conditions.⁵

As introduced, the bill includes language in Section 2(b) that conditions approval of the closing on the satisfaction of all conditions set forth in the official file for S.O. 20-07517. Given that only outstanding objections are from DDOT, the bill amends this language to specify that the ordering of the alley closing is contingent upon satisfying conditions set forth by DDOT in S.O. 20-07517.

Conclusion

The Committee finds that the portion of the public alley in Square 5138, as depicted on the attached Surveyor's Plat, is unnecessary for public alley purposes. The closure will facilitate the construction of a transit-oriented 156-unit assisted living facility for the elderly with all units affordable at 60% MFI or below. Accordingly, the Committee recommends approval of the Committee Print for Bill 24-442.

II. LEGISLATIVE CHRONOLOGY

October 8, 2021	Bill 24-442, the "Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021" is introduced by Councilmember Vince Gray.
October 19, 2021	Bill 24-442 is "read" at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
October 22, 2021	Notice of Intent to Act on Bill 24-442 is published in the <i>District of Columbia Register</i> .
October 29, 2021	Notice of a Public Hearing on Bill 24-442 is published in the <i>District of Columbia Register</i> .
November 17, 2021	The Committee of the Whole holds a public hearing on Bill 24-442.
December 7, 2021	The Committee of the Whole marks-up Bill 24-442.

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

⁵ *Ibid.*

November 17, 2021. Ms. Chamberlin said that DDOT objects to the alley closure until the following conditions are met:

- The developer moves forward with a formal building permit application for a project substantially similar to the site plan shown in its application;
- Appropriate signage and striping are installed to covert the remaining 15-foot public alley network to one-way from 46th Street, N.E., westbound and southbound to Central Avenue; and
- Approval from the Urban Forestry Division of a Tree Preservation Plan or permits for tree removal for any trees located on adjacent properties that may be impacted by the development.

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 and provide for the future development of a new affordable assisted living project. 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 \$362,360 (1,613 S.F. X \$224.65). Mr. Snider noted that no utilities have objections, and of the Executive branch agencies, only DDOT has outstanding objections.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

At a regularly scheduled meeting on May 11, 2021, Advisory Neighborhood Commission 7D voted in favor of providing a letter of support for the proposed alley closing. The letter 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 24-442, on Wednesday November 17, 2021. The testimony summarized below pertains to Bill 24-442. Copies of all written testimony are attached to this report.

Cary Kadlecak, Goulston & Storrs, testified on behalf of the developer. Mr. Kadlecak 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.

Oussama Souadi, Partner with Gragg Cardona Partners, testified in support of the bill. Mr. Souadi said that the project will create over 80 new permanent jobs that will pay a living wage,

and that the project will be certified LEED Silver. He also stated that they have agreed to the conditions articulated by DDOT and are working to meet those conditions.

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 24-442.

VII. IMPACT ON EXISTING LAW

Bill 24-442 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 24-442, the Committee finds that the requirements of the Act have been satisfied.

VIII. FISCAL IMPACT

The attached November 1, 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>	(a) Orders the closing of a portion of the public alley in Square 5138, as shown on the Surveyor’s Plat filed in S.O. 20-07517. (b) Conditions the alley closure on satisfying all conditions set forth by DDOT in S.O. 20-07517.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 24-442 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. ANC Letter.
5. Surveyor's Plat.
6. Fiscal Impact Statement for Bill 24-442.
7. Legal Sufficiency Determination for Bill 24-442.
8. Committee Print for Bill 24-442.

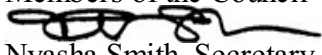
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COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Monday, October 18, 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 08, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021", B24-0442

INTRODUCED BY: Councilmember Gray

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

Attachment
cc: General Counsel
Budget Director
Legislative Services

Statement of Introduction
Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021
Councilmember Vincent C. Gray
Friday, October 8, 2021

Today, I introduce the Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act of 2021 for the closing of a portion of the east west alley system in Square 5138. The proposed alley closing will facilitate the consolidation of property which is currently bisected by the alley, and allow for a more efficient site plan for the proposed future project which is in the process of being designed, as well as provide for the future development by 45th Street NE Ventures LLC of a new affordable assisted living project. The subject square is bounded by Blaine Street, 45th Street, Benning Road, Central Avenue, and 46th Street in NE in Ward 7. The abutting Lots 137 and 145 are presently owned by The Industrial Bank of Washington, but the 45th Street NE Ventures LLC is the contract purchaser of those lots.

I look forward to working with my colleagues to successfully pass this legislation.

Vincent C. Gray
Councilmember Vincent C. Gray

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To order the closing of a portion of the 15-foot wide east-west public alley in Square 5138 in Ward
2 7.

3
4 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
5 act may be cited as the “Closing of a Portion of Public Alley in Square 5138 S.O. 20-07517, Act
6 of 2021”.

7 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
8 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04) and consistent with the Street
9 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
10 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that the portion of public alley in
11 Square 5138, as shown on the Surveyor’s plat filed under S.O. 20-07517, is unnecessary for alley
12 purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

13 (b) The approval of the Council of this alley closing is contingent upon the satisfaction of
14 all the conditions set forth in the official S.O. File 20-07517.

15 Sec. 3. Fiscal impact statement.

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

19 Sec. 4. Effective date.

20 This act shall take effect upon its approval by the Mayor (or in the event of veto by the
21 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
22 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
23 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
24 Columbia Register.

**Application of
45th Street NE Ventures LLC**

**Closing of a portion of a Public Alley in
Square 5138**

S.O. 20-07517 Bill 24-0442

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

Application of 45th Street NE Ventures LLC
Bill 24-0442

Closing a Public Alley in Square 5138
S.O. 20-07517

STATEMENT OF THE APPLICANT

I. BACKGROUND

45th Street NE Ventures LLC (the “Applicant”), requests the closing of a portion of the 15-foot wide east-west alley abutting Lots 137 and 145 in Square 5138 having a current street address of 123-125 45th Street NE (the “Property”), as shown on the plats attached as Exhibit A, pursuant to Section 9-202.05(1) of the D.C. Code. As discussed in greater detail herein, this application satisfies all applicable requirements of the D.C. Code, and the Applicant requests that the Council approve Bill 24-0442.

Bill 24-0442 effectuates the proposed alley closing which allows the Applicant to consolidate its properties and provide for the development of an approximately 156-unit all-affordable assisted living residential development for seniors (the “Project”). The alley closing allows for a more efficient site plan for the Project as the lots are bisected by the alley. The remaining portion of the existing 15-foot wide alley to the east of the Property and the existing 15-foot-wide north-south alley to the southeast of the Project will remain open and unaffected by this application and the associated legislation.

A. LOCATION OF PROJECT

The Property is located north of Benning Road NE at 45th Street and Blaine Street NE in Ward 7. It contains approximately 32,225 square feet of land area. The Property is currently improved with a bank building occupied by Industrial Bank, parking lot, and vacant 1-story health center building. Industrial Bank will return as a ground floor tenant in the new building and the health center has already relocated into the building across 45th Street. The Property is bordered by Blaine Street to the north, 45th Street and the SOME TW Perry & Quinn Family House building to the west, a 15-foot wide public alley and semi-detached dwellings to the east, and the Benning Road Metro station to the south. The Property is bisected by the proposed portion of alley to be closed.

The Property is located in the mixed-use Medium Density Residential and Medium Density Commercial development land use category on the Comprehensive Plan Future Land Use Map and is in the MU-7 Zone District.

B. THE PROJECT

As shown in the Project site plan attached as Exhibit B (the “Plan”), the Applicant proposes to construct a new all-affordable assisted living facility for the elderly with 156 units and 13 garage parking spaces (“Project”). The Project will be a six-story L shaped building fronting on Blaine Street and 45th Street NE. The building will be set back 15 feet from each of

the streets consistent with the building restriction lines. The main pedestrian access will be from Blaine Street and an employee entrance will face 45th Street. The parking spaces and loading facilities will be located within the garage and will be accessed from the remaining alley.

The Project will have a high-quality design that is articulated on all sides. The Project will add 156 affordable units to a site where no housing currently exists. Additionally, the Project includes a non-profit in the sponsorship and will include, upon completion, over 80 permanent jobs paying more than the District Living Wage and significant contracting opportunities for goods and services, both of which will primarily target District residents and businesses.

C. PUBLIC BENEFITS OF THE PROJECT

The Project will offer important public benefits to the surrounding community. Specifically, the Project redevelop a currently underutilized site located less than 250 feet from the Benning Road Metro station with 156 all-affordable assisted living units. The Project provides transit-oriented housing to directly respond to the city's significant need for senior housing, while working to bring back the neighborhood-serving Industrial Bank following redevelopment with an ATM lobby that will serve the neighborhood and community residents, both of which represent a benefit to the immediate neighborhood and the District as a whole.

D. COMMUNITY DIALOGUE PROCESS

The Applicant has engaged in significant outreach to the surrounding community regarding the alley closing process underlying the Project. Since the Project development process commenced in the spring of 2020, the Applicant has held or presented at numerous meetings with ANC 7D and individuals and responded to questions and received feedback via phone and email. The Project continues to enjoy wide support in the community as evidenced in the letter of support from ANC 7D included in Exhibit C.

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"), and others 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.) The Applicant notes that DDOT reserves objections to the Project subject to the following conditions being met, all of which the Applicant agrees with, as noted below:

- 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 Figure 2. If a development project does not move forward, then there will continue to be a transportation need for the alley segment and DDOT would not be in support of closing it – ***The Applicant commits to proceeding with the Project as reviewed by DDOT and described in this Application.***

- 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 will submit a signage and striping plan for DDOT’s review and approval — *The Applicant commits to coordinating with DDOT to develop and implement appropriate signage and striping for the remaining portion of the public alley network, as requested by DDOT.*
- The Applicant receives approval from Urban Forestry Division (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 to UFD a Tree Preservation Plan to secure appropriate permits.*

The Applicant agrees with all of DDOT’s proposed conditions and will continue to coordinate with DDOT, as needed, as development moves forward.

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 5138 to be closed is not 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 lots all of which the Applicant owns and which will be occupied by the Project once it is constructed. Following the closure of the alley, the existing 15-foot wide alley to the east, and the 15-foot wide alley to the southwest of the Project will remain open and in service to the other properties along the alley network.

As noted in the report from the District Department of Transportation (DDOT) closure of the alley segment will not preclude alley access to any other properties as they will continue to be served via the rest of the alley system.

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 has 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, 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 PROJECT

The Project will include, upon completion, over 80 permanent jobs paying more than the District Living Wage and significant contracting opportunities for goods and services both of which will primarily target district residents and businesses.

**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**").

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.

a. Compliance with Citywide Elements

The Project advances numerous citywide 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, the Property is mapped for mixed-use Medium Density Residential and Medium Density Commercial development land use category. The Project's height and the overall density is consistent with the Comprehensive Plan's Future Land Use Map designation for the Property. The Project's proposed density of approximately 4.04 FAR is not inconsistent with the maximum allowed in the zone expressly contemplated in the Plan. The Project, with a height of 65 feet and six stories, is a "mid-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-2.1.1 Variety of Neighborhood Types*** ("Maintain a variety of residential 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 the 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 facilities needs. All neighborhoods have a role to play in helping meet broader District-wide needs, such as affordable housing, public facilities, and more.") (*Id.* § 310.10.)
- ***Policy LU-2.2.4 Neighborhood Beautification*** ("Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park

improvements, and public realm improvements and activations.”) (*Id.* § 311.5.) **Policy LU-2.2.7: Alley Use** (“Discourage the conversion of alleys into private yards or developable land when the alleys are part of the historic fabric of the neighborhood and would otherwise continue to perform their intended functions, such as access to rear garages and service areas for trash collection. Support the greening of residential alleys where feasible to enhance sustainability and stormwater management. Encourage potential activation of commercial alleys in business districts through art, programming, and events where not in conflict with the intended function of the alley network.”) (*Id.* § 311.8.)

As noted in the Office of Planning report, the proposed alley closing will permit the consolidation of two underutilized lots for development of a moderate density affordable building for senior citizens. There will be no adverse impact on the ability of the alley system within the square to function as intended, including the continuation of rear access to all existing lots within the square.

The proposed assisted living facility will be located less than 250 feet from the Benning Road Metrorail station, a station described in the Comprehensive Plan as one currently with low usage.

3. Other Elements

The Project also advances policies in the Transportation, Housing, Urban Design, and Far Northeast and Southeast Area Elements of the Comprehensive Plan, including:

- **T-1.1 Land Use—Transportation Coordination** (“Although the District has already developed walkable, transit-oriented neighborhoods, future opportunities will arise to strengthen the linkage between land use and transportation as new development takes place. Design features play an important role in this equation. Residential communities should be developed so that services such as shopping, are accessible footby walking, taking transit, or riding a bicycle—not just by car.”) (*Id.* § 403.2.)
- **Policy T-1.2.3 Discouraging Auto-Oriented Uses** (“Discourage certain uses, like drive-through businesses or stores with large surface parking lots and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.”) (*Id.* § 404.6.)
- **Policy T-1.3 Regional Smart Growth Solutions** (“A regional strategy of promoting infill, mixed-use and transit-oriented development in urbanized areas is needed to ensure transportation efficiency both in the District and the region.”) (*Id.* § 405.3.)
- **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.”) (*Id.* § 411.5.)

- ***H-1.1 Expanding Housing Supply*** (“Expanding the housing supply is a key part of the District’s vision to create vibrant neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of market rate and affordable housing is essential to the future of our neighborhoods. It is also a key to improving the District’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, zoning, permitting, inspection, and taxation programs, recognizing and responding to the needs of all segments of the community to achieve an adequate and diverse housing supply. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.”) (*Id.* § 503.1.)
- ***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 underutilized 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 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 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-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 FNS-1.1.2: Development of New Housing*** (“Encourage new mixed-use, mixed-income development for area residents on vacant lots and around Metro stations and on underused commercial sites along the area’s major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast and seek to ensure that the housing remains affordable for current and future residents.”) (*Id.* § 1708.3)
- ***Policy FNS-2.4.1: Benning Road Station Area Development*** (“Support development of the Benning Road Metro Station area as a pedestrian-oriented mixed-use area, including moderate-density housing, retail, service uses, and public spaces and amenities that serve adjacent neighborhoods. Future development should recognize and provide appropriate, well-designed transitions to the low-density residential character of the adjacent neighborhoods.”) (*Id.* § 1714.3)

The Transportation Element encourages pedestrian-oriented development around transit stations and discourages auto-oriented uses such as “drive-through” business, and large surface parking lots. The Project is a model transit-oriented development and adds none of the auto-oriented features the Comprehensive Plan seeks to discourage. As discussed, the Project is located less than 250 feet from the Benning Road Metrorail station. Therefore, the Project site encourages residents, employees, and visitors to utilize public transit based on the convenient proximity and opportunity to do so. Further, the Project provides parking at the Property, but does not employ any auto-oriented uses such as large surface parking lots. 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 T-1.1, 1-2-3, 1-3, and 2.4.1, among others.

By virtue of the Project’s program as an all-affordable senior residential development, the Project also substantially promotes the Housing Element. The Housing Element generally encourages expanding the housing supply, encouraging such growth on vacant or underutilized land and establishing high-quality housing, including for seniors. The Project advances these and other policies of the Housing Element without removing or displacing any existing housing units.

Finally, the Project advances certain elements of the Urban Design and Far Northeast and Southeast Area Elements. Closure of the alley will allow the Applicant to consolidate its property to allow for the construction of a mid-rise building that will contribute to the transition in scale from the larger building west of the site across 45th Street, to the smaller buildings to the north and east of the subject site. The Project will provide new housing at a Metro station on two underutilized lots near the Central Avenue and Benning Road intersection.

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

B. CONSISTENCY WITH THE APPLICABLE ZONING

The proposed application meets the standards of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; enhances the health, welfare,

BEFORE THE DISTRICT OF COLUMBIA CITY COUNCIL

B24-442 — SQUARE 5138 ALLEY CLOSING

TESTIMONY OF CARY KADLECEK, GOULSTON & STORRS
COUNSEL TO GRAGG CARDONA PARTNERS

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 Gragg Cardona Partners on the proposed assisted living development to which this alley closing application pertains. We have one witness here this morning to present testimony in support of Bill 24-442: Oussama Souadi, a Partner at Gragg Cardona Partners, which is the developer of the proposed project

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 the goals and policies of the Comprehensive Plan, and will enable a new all-affordable assisted living facility located less than 250 feet from the Benning Road Metrorail Station.

With this application, the Applicant proposes to close an approximately 108-foot-long and 15-foot-wide segment of an alley that bisects two lots located on 45th Street NE, just north of Benning Road in Ward 7. The closed alley will accommodate the construction of the new assisted living development with approximately 156 affordable units. Mr. Souadi will speak shortly and provide additional background on the project, the community outreach process, and the benefits the project will bring to the surrounding community and the District.

Before doing so, we will note that each affected agency and utility has approved or has stated no objection to the alley closure. In its report, DDOT formally reserved objection to the

application subject to three conditions being met. As noted in our statement, we have agreed to these conditions and have communicated with DDOT staff accordingly. The three DDOT conditions are as follows:

- First, that the Applicant proceed with filing for a building permit for the assisted living development as currently proposed;
- Second, that the Applicant install signage and striping, subject to DDOT review and approval, to convert the portion of the public alley network that will remain, to one-way traffic from 46th Street west- and southbound to Central Avenue; and,
- Third, that the Applicant receive approval from the Urban Forestry Division for either a preservation plan or removal permits for the trees located adjacent to the project

The Applicant agrees with each of the conditions. The development team has applied for a building permit for the project and for necessary permits with Urban Forestry, and it commits to coordinating with DDOT to implement signage and striping for the remaining portion of the alley network as the project moves forward.

With that, I will turn it over to Oussama Souadi to present his testimony.

BEFORE THE DISTRICT OF COLUMBIA CITY COUNCIL

B24-442 — SQUARE 5138 ALLEY CLOSING

**TESTIMONY OF OUSSAMA SOUADI, PARTNER WITH GRAGG CARDONA
PARTNERS**

Good morning Mr. Chairman and members of the Committee of the Whole. Thank you for the opportunity to present testimony in support of Bill 24-442, Closing of a portion of the public alley in Square 5138.

My name is Oussama Souadi and I am a Partner with Gragg Cardona Partners, the developer of the all-affordable assisted living community for which this alley closing is requested. The site is located immediately north of the Benning Road Metro station.

The project consists of a six-story, L-shaped building with 156 all-affordable assisted living units. The project is targeted to serve local area residents. Through our marketing efforts and our ongoing engagement with the ANC, we intend that future residents of the project will consist primarily of seniors already living in the area, so the resident make-up will reflect the community in which the project will be located. In addition to increasing the stock of affordable housing, housing for seniors, and transit-oriented housing, the project will create over 80 new permanent jobs that will pay more than the District Living Wage, and the project will also provide significant contracting opportunities for goods and services, both of which will be primarily targeted for District residents and businesses. We are also working closely with the Industrial Bank, which currently occupies a portion of the site, in order to have them return to the site with ground-floor space in the new assisted living building after it's completed, which would be a great service to retain for the community and neighborhood residents. Sustainability and

environmental quality have also been high on the list of priorities during the design and development process. The project will be certified LEED Silver and will include green roof, rooftop solar, and high efficiency building performance features.

The alley segment we are proposing to close is located between two lots along 45th Street both owned by Gragg Cardona Partners. The alley is on the west side of Square 5138 running east/west and currently connects to the eastern side through to 46th Street, as well as an alley running north/south. Closing this alley segment will allow the two sites to be combined into one that allow construction of the proposed assisted living facility. The rest of the alley network in the square will remain open and, as Cary noted, we will be working with DDOT to implement signage and striping to convert the remaining alley to one-way traffic running west from 46th Street and then south to Central Avenue and the Metro station at the end of the square.

We have engaged the, ANC 7D, the affected ANC, throughout the development process for the project, including regarding this alley closing application. As a result, ANC 7D has provided a letter in support of the application. We have also coordinated with numerous District agencies including the Office of Planning and DDOT throughout the development process. Each of the affected agencies and utility companies has approved or has no objection to the application, except for DDOT's reservation of objections subject to the three conditions Cary discussed, all of which we agree to. We have already applied for a building permit for the project and have applied for the necessary Urban Forestry permits, as DDOT requested. And we have confirmed with DDOT that we will continue to coordinate to implement the signage and striping for the remaining portions of the alley as I previously mentioned. Subject to these specific conditions, it is our understanding that DDOT is fully supportive of closing the alley as proposed.

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.

Thank you.

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



Public Hearing on

**Bill 24-442, the “Closing of a Portion of Public Alley in Square 5138,
S.O. 20-07517, 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 B24-442, “Closing of a Portion of a Public Alley in Square 5138, S.O. 20-07517, Act of 2021.”

The purpose of this bill is to facilitate the consolidation of the applicant’s property and provide for the future development of a new affordable assisted living project in Ward 7. The applicant is 45th Street, N.E. Ventures, LLC, who is represented by Goulston & Storrs. The abutting lots 137 and 145 are presently owned by the Industrial Bank of Washington, but the applicant is the contract purchaser of said lots. The portion of the alley to be closed in Square 5138 was created by a Subdivision shown in the records of the Office of the Surveyor in Subdivision Book 49, Page 17, recorded November 3, 1913. 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 2, 2021, which represents tax year 2022 for the public alley closed in Square 5138 is \$362,360 (1,613 s.f. x \$224.65 estimated per square foot).

The Office of the Surveyor notified the relevant Executive Branch agencies of this application on November 16, 2020. In a letter dated June 29, 2021, the District Department of Transportation (DDOT) objects to the requested alley closure until the conditions outlined in their letter are met.

The utility companies were notified of this application on November 16, 2020. They have no objections to this application.

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 November 16, 2020. In a letter

dated December 29, 2020, 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 public review on the NCPC website and no comments were received. NCPC staff has determined that this project is exempt from Commission review.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 7D was notified of this application on November 16, 2020. In a letter dated June 26, 2021, ANC 7D voted in favor of this closing. The applicant is the contract purchaser of the lots abutting the portion of the alley to be closing.

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. 8237

December 29, 2020

Joseph Snider
District of Columbia Department of Consumer and Regulatory Affairs,
Office of the Surveyor
1100 4th Street, SW
Washington, DC 20024

Re: 8237 (Alley Closing at Square 5138 - S.O. 20-07517)

Dear Mr. Snider:

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. Staff review did not identify any federal interests that would be impacted by the proposed alley closing. 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 Matthew Flis at (202) 482-7236 or matthew.flis@ncpc.gov.

Sincerely,



FOR Diane Sullivan
Director, Urban Design and Plan Review



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 7D**

June 26, 2021

Chair Phil Mendelson, Chairman Council of the District of Columbia
Council of the District of Columbia
1350 Pennsylvania Avenue, NW

Washington, DC 20004

Re: S.O. 20-07517 - Letter of Support for Alley Closing in Square 5138 | The Residences at Benning Road | Affordable Assisted Living Community Project [as presented by Gragg Cardona Partners]

Dear Chairman Mendelson and Council Members:

On May 11, 2021, at a duly noticed, appropriately planned Regular Meeting called by ANC 7D Commission (“Commission”), with an established quorum of commissioners and the public present, ANC 7D voted in favor of providing a letter of support regarding the proposed alley closing to allow the construction of *The Residences at Benning Road | Affordable Assisted-Living Community Project* as presented by applicants Gragg Cardona Partners and The Residences at Benning Road LLC. The applicants had requested a letter of support to pursue an alley closure application with the Council.

Gragg Cardona Partners has consistently and intentionally engaged ANC 7D as well as the greater community in apprising us of the plans, details, and community benefits of *The Residences at Benning Road*, a 155-unit private, affordable assisted-living apartment community with associated amenities for eligible senior-aged and/or age-qualifying disabled residents of the District of Columbia. In addition to providing full-service rental apartments, the community will include amenity spaces and comprehensive menu of assisted living services to cater to resident needs.

The Commission intends to continue its engagement with the applicants on the following:

- The progression of the future phases of *The Residences at Benning Road*
- Communicating those project phases (progression) to the constituency and the Ward 7 Councilmember

The Commission has been thoroughly impressed with the applicants’ forethought, consideration of the community needs, and implementation of “good neighbor” practices in their approach to this project. To date, it has been refreshing to observe the laser-focused attention given to the handling of questions and concerns from the Commission as well as the community members. We look forward to working with the applicants and are delighted to provide this letter of support for *The Residences of Benning Road*. Chairman Mendelson, we hope that you will render great weight to this recommendation and thereby promptly approve the alley closing.

Should you have any questions of the Commission, please do not hesitate to contact us via email at 7D02@anc.dc.gov.


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



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

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

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: November 1, 2021

SUBJECT: Fiscal Impact Statement – Closing of a Portion of a Public Alley in
Square 5138, S.O. 20-07517. Act of 2021

REFERENCE: Draft Committee Print as provided to the Office of Revenue Analysis on
October 27, 2021

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 1,613 square feet of public alley in Square 5138, bounded by Blaine Street, N.E., Benning Road, N.E., Central Avenue, N.E., and 46th Street, N.E. in Ward 7.¹ The alley closure will facilitate construction of 155-unit assisted living community for senior and disabled residents.

The closure is contingent upon satisfaction of conditions set forth in the Survey's file, including three conditions from the District Department of Transportation (DDOT). DDOT requires the applicant to submit a satisfactory Tree Preservation Plan, agree to install appropriate signage and striping in the remaining alleyway, and proceed with formal building permitting through the Department of Consumer and Regulatory Affairs that is substantially similar to the current site plan.

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The closed portion of the alley will become privately owned and potentially

¹ For tax and assessment purposes, the alley is in Square 5138, as shown on the Surveyor's plat filed in S.O. S.O. 20-07517. Approximately 1,613 square feet of alley will be closed.

The Honorable Phil Mendelson

FIS: "Closing of a Portion of a Public Alley in Square 5138, S.O. 20-07517. Act of 2021," Draft Introduction as provided to the Office of Revenue Analysis on October 27, 2021

taxable to the District. Any tax revenues generated will depend on the tax status of the property, and the final assessed value once the 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 24-442

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

15
16
17 To order the closing of a portion of a 15-foot-wide public alley in Square 5138 in Ward 7.

18
19 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
20 act may be cited as the “Closing of a Portion of a Public Alley in Square 5138, S.O. 20-07517,
21 Act of 2021”.

22 **Sec. 2. (a)** Pursuant to section 404 of the District of Columbia Home Rule Act, approved
23 December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street
24 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
25 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of the public alley
26 system in Square 5138, as shown on the Surveyor’s plat filed in S.O. 20-07517, is unnecessary
27 for alley purposes and orders it closed.

28 **(b)** The ordering of this alley closing is contingent upon the satisfaction of all conditions
29 set forth by the District Department of Transportation in the official file for S.O. 20-07517 prior
30 to the recordation of the plat by the Surveyor.

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 4a of the General Legislative Procedures Act of 1975,
34 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

35 Sec. 4. Effective date.

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