

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: February 2, 2016

SUBJECT: Report on Bill 21-424, “Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2016”

The Committee of the Whole, to which Bill 21-424, the “Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2016” was referred, reports favorably thereon, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	3
III.	Position Of The Executive	3
IV.	Comments Of Advisory Neighborhood Commissions	4
V.	National Capital Planning Commission Review.....	4
VI.	Summary Of Testimony.....	4
VII.	Impact On Existing Law	5
VIII.	Fiscal Impact.....	5
IX.	Section-By-Section Analysis	6
X.	Committee Action.....	6
XI.	Attachments	6

I. BACKGROUND AND NEED

On October 2, 2015, Bill 21-424, the “Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2016” was introduced by Chairman Mendelson at the request of the Mayor.¹ Bill 21-424 would authorize the closure of a portion of a public alley in Square 2882, bounded by Euclid Street to the north, 9th Street to the east, Barry Place to the south, and Sherman Avenue to the west, in Northwest, Washington, D.C., in Ward 1. The applicant is Barry Place Partners, LLC. The purpose of the closing of this alley is to facilitate the residential development in partnership with Howard University.

¹ The Committee modified the title of Bill 21-424 to reflect the current year. The original title of the bill was the “Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2015.”

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. Council members may also initiate action on an alley or street closing on their own by introducing a bill. In such cases, the Act provides that the Council cannot consider such a bill until the required reviews have been completed. Regarding Bill 21-424, all of the reviews have been completed without objection.

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 21-424, 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 purpose of the subject alley closing is to facilitate the redevelopment of a parcel of land on the north side of Barry Place, N.W., between 9th Street and Sherman Avenue. The

approximate area of the parcel is 1.35 acres. The site is currently improved with a warehouse and six townhomes. The site is bordered by Howard University student housing, DC Housing Authority senior housing, and Banneker Recreational Center.

The proposed development will consist of a six-story mixed-use building offering 319 residential units totaling approximately 237,000 square feet, retail space of approximately 12,000 square feet, and a parking garage with approximately 145 spaces. Vehicular access to the garage will be provided from 9th Street. Twelve percent of the residential units will be reserved as affordable at 60 percent and 80 percent of Area Median Income. The majority of units are studio and one-bedroom units; 50 units will be reserved faculty and staff of Howard University. Additionally, the development will include a 29,000 square foot green roof.

The proposed building will occupy 93 percent of the site, including all portions of the existing alley proposed to be closed. There are no objections on the record, and there will be no need for the alleys upon completion of the proposed development; therefore, the Committee recommends approval of Bill 21-424.

II. LEGISLATIVE CHRONOLOGY

Oct. 2, 2015	Bill 21-424, the “Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2016” is introduced by Chairman Mendelson at the request of the Mayor.
Oct. 6, 2015	Bill 21-424 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
Oct. 9, 2015	Notice of Intent to Act on Bill 21-424 is published in the <i>District of Columbia Register</i> .
Nov. 27, 2015	Notice of a Public Hearing on Bill 21-424 is published in the <i>District of Columbia Register</i> .
Dec. 21, 2015	The Committee of the Whole holds a public hearing on Bill 21-424.
Dec. 2, 2016	The Committee of the Whole marks-up Bill 21-424.

III. POSITION OF THE EXECUTIVE

Roland Dreist, D.C. Surveyor, testified at the Committee’s public hearing on December 21, 2015. He stated that the purpose the alley closing is to allow redevelopment of several lots with a six-story, mixed use building that will contain approximately 237,611 square feet of residual use. The area of the portion of the alley to be closed is 5,397 square feet. As of January 1, 2015, the tax assessed value of the land is \$100 per square foot for a total estimated value of \$539,700.

Mr. Dreist testified that there were no objections on the record, including none from the Executive branch agencies or utility companies. No existing retail tenant will be displaced as a result of this application. Additionally, the National Capital Planning Commission did not register any opposition to the closings after being notified of the closing application. No comments were received from abutting neighbors, to whom notification was sent, as of December 21, 2015.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received a copy of a letter dated March 24, 2015 from the Chair and Secretary of Advisory Neighborhood Commission (ANC) 1B to the Zoning Commission Chairperson Anthony Hood. The letter offers the support of ANC 1B for the proposed development contingent on a number of conditions, including requirements related to affordable housing, a residential set aside for the University, job training, sustainable design, a transportation plan, improvements to community recreation space, and site design. The letter does not include an opinion on Bill 21-424.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

Marcel C. Acosta, Executive Director of the National Capital Planning Commission (NCPC), in a Delegated Action of the Executive Director, provided comments to the Council finding that the proposed street closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, N.W., would not be inconsistent with the Comprehensive Plan for the National Capital. The delegated action was taken on February 27, 2015.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 21-424 on Monday, December 21, 2016. The testimony summarized below is from that hearing. Copies of selected written testimony are attached to this report (all of the testimony is filed with the record for Bill 21-424).

Amilia Aclema, Administrator, Deadwood Nursing and Rehabilitation Center, testified regarding Bill 21-400.

Anthony Udoka, Architect, Vega Architects, testified regarding Bill 21-400.

Charles E. Frazier, Jr. Managing Principal, Gateway Investment Partners, testified on behalf of the applicant in favor of Bill 21-424. Mr. Frazier briefly outlined the development proposal for the property and described the benefits to the surrounding community. He expressed his belief that the redevelopment of the site would beautify the area by removing blighted and vacant parcels, as well as create a safer environment for Howard University and its neighbors.

Maybelle Bennett, Director, Howard University Community Association, testified in favor of Bill 21-424. She related two objectives that the proposed redevelopment fulfill on the

Campus Master Plan for Howard University approved by the Zoning Commission in 2012. These include improving and animated the campus's westernmost edge along Sherman Avenue and creating nearby housing for faculty, staff, and graduate students. Ms. Bennett also espoused the community benefits the project would bring, as well as the support the community has shown for it, as evidenced by a March 24, 2015 letter from ANC 1B.

Stephen Gresham, Principal, Niles Bolton Associates, testified on behalf of the applicant in favor of Bill 21-424. Mr. Gresham described the current state of the property, including the alley, explained the proposed development plan, and described the community outreach the development team conducted. He stated that the project will be a benefit to the community and the District.

Leila Batties, Partner, Holland & Knight, testified on behalf of the applicant in favor of Bill 21-424. She expressed the need for the legislation to move forward through the Council as soon as possible, in order to proceed with the project.

Bruce Levin, Partner, Takoma Spring Place LP, testified regarding Bill 21-449.

Roland Driest, Surveyor of the District of Columbia, testified on behalf of the Executive. His testimony is summarized in Section III.

The Committee received no comments or testimony in opposition to the Bill 21-424.

VII. IMPACT ON EXISTING LAW

Bill 21-424 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 21-424, the Committee finds that the requirements of the Act have been satisfied.²

VIII. FISCAL IMPACT

The attached September 14, 2015 fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2016 through FY 2019 budget and financial plan to implement the bill.

² D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2016).

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	The Council finds orders the alley closed contingent upon satisfaction of all conditions set forth in the Surveyor's file.
<u>Section 3</u>	Requires transmittal of the act, upon adoption, to the Office of the Surveyor of the District of Columbia.
<u>Section 4</u>	Fiscal impact statement.

X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 21-424 as introduced (omitting some attachments).
2. Selected Written Testimony (all testimony filed with the record for Bill 21-424).
3. Surveyor's Plat.
4. NCPC Comments.
5. Fiscal Impact Statement for Bill 21-424.
6. Legal Sufficiency Determination for Bill 21-424.
7. Committee Print for Bill 21-424.

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 : October 06, 2015

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, October 2, 2015. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2015", B21-0424

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

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

Attachment

cc: General Counsel
Budget Director
Legislative Services



OFFICE OF THE
SECRETARY

2015 OCT -2 PM 4: 44

MURIEL BOWSER
MAYOR

OCT - 2 2015

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C., 20004

Dear Chairman Mendelson:

Enclosed for the consideration of the Council of the District of Columbia is legislation entitled "Closing of a public alley in Square 2882, S.O. 14-21729, Act of 2015". This bill proposes the closing of a public alley bounded by Euclid Street, N.W., to the north, 9th Street, N.W., to the east, Barry Place, N.W., to the south and Sherman Avenue, N.W., to the west in Ward 1. The applicant is Barry Place Partners, LLC, which is represented by Holland & Knight.

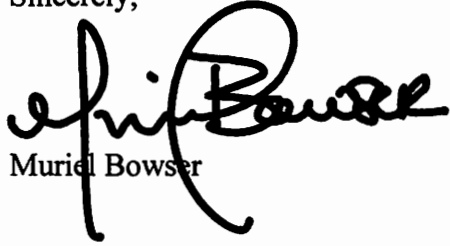
The purpose of this dosing is to allow redevelopment of several lots with a six-story, mixed use building that will contain approximately 237,611 square feet of residential use.

Pursuant to D.C. Official Code § 9-202.02(5) the application was referred to Advisory Neighborhood Commission (ANC) 1B on February 4, 2014. To date no response from the ANC has been received. Any responsive ANC comments will be forwarded when received. The application was also referred to the National Capital Planning Commission (NCPC) on February 4, 2015. In a letter to the Surveyor, dated March 10, 2015, the NCPC Executive Director indicated that by delegated action dated February 27, 2015, he found that the proposed alley closing would not be inconsistent with the Comprehensive Plat for the National Capital. A copy of the delegated action was attached. Pursuant to D.C. Code § 9-202.02(6) notice of the application was given to each abutting property owner on February 4, 2015. To date, no comments have been received. Any comments will be forwarded when received.


This closing will have no negative impact on the operation budget for the current or next five fiscal years.

Enclosed is a copy of the plat for recording this closing, an alley ownership status statement, and a copy of the application file.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with the first name "Muriel" written in a larger, more prominent script than the last name "Bowser".

Muriel Bowser


Chairman Phil Mendelson
At the request of the Mayor

A BILL

THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of a portion of a public alley system in Square 2882, bounded by Euclid Street to the north, 9th Street to the east, Barry Place to the south, and Sherman Avenue to the west, in Northwest Washington, D.C. in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2015".

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 of the District of Columbia finds the portion of the public alley system in Square 2882, as shown on the Surveyor's plat filed in S.O. 14-21729, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 4. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code §1-206-02(c)(3)).

1 Sec. 5. This act shall take effect upon its approval by the Mayor (or in the event of veto
2 by the Mayor, action by the Council to override the veto), a 30-day period of congressional
3 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
4 December 24, 1973 (87 Stat. 813, D.C. Official Code §1-206.02(c)(1)), and publication in the
5 District of Columbia Register.

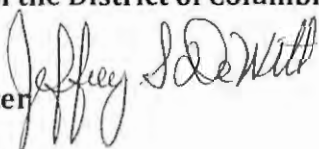
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 14, 2015

SUBJECT: Fiscal Impact Statement – “Closing of a portion of Public Alley in Square 5197, S.O. 11-4822, Act of 2015”

REFERENCE: Draft bill as given to the Office of Revenue Analysis on August 26, 2015

Conclusion

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Background

The bill authorizes the closing of a portion of the public alley system in Square 5197, at 5000 Nannie Helen Burroughs Avenue, N.E., which is adjacent to a single property: the Deanwood Rehabilitation and Wellness Center. The Center intends to consolidate its property there for future expansion.

Financial Plan Impact

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill. District executive agencies and utilities do not object to the closing of this alley space.



401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel 202 482.7200 Fax 202.482.7272 www.ncpc.gov

S.O. 14-21729

Commission Members

Presidential Appointees

L. Preston Bryant, Jr., Chairman
Elizabeth A. White

Mayoral Appointees

Arrington Dixon
Robert E. Miller

Ex Officio Members

Secretary of Defense
The Honorable Charles Hagel

Secretary of the Interior
The Honorable Sarah Jewell

Administrator
General Services Administration
The Honorable Daniel Tangherlini

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Thomas R. Carper

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Darrell Issa

Mayor
District of Columbia
The Honorable Vincent C. Gray

Chairman
Council of the District of Columbia
The Honorable Phil Mendelson

Executive Director
Marcel C. Acosta

**IN REPLY REFER TO:
NCPC FILE No. 7646**

MAR 10 2015

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

Dear Chairman Mendelson:

Pursuant to delegations of authority adopted by the Commission on October 3, 1996, I found that the proposed alley closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW, would not be inconsistent with Comprehensive Plan for the National Capital. A copy of the Delegation Action of the Executive Director is enclosed.

Sincerely,

**Marcel C. Acosta
Executive Director**

Enclosure

**cc: Mary Cheh, Chairman, Committee on Transportation and Environment
Vincent Orange, Chairman, Committee on Business, Consumer and
Regulatory Affairs
Eric Shaw, Acting Director, DC Office of Planning
Frederick Lindstrom, Commission of Fine Arts
Roland F. Dreist, Jr., Surveyor, DC**



Delegated Action of the Executive Director

PROJECT

Alley Closing in Square 2882 (S.O. 14-21729)

Sherman Avenue and Barry Place, NW
Washington, DC

NCPC FILE NUMBER

7646

NCPC MAP FILE NUMBER

32.10(44.00)44105

SUBMITTED BY

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

ACTION TAKEN

Approval of comments to the
Council of the District of Columbia

REVIEW AUTHORITY

Approval of Comments to the
Council of District of Columbia on
Street and Alley Closings
per DC Code § 9-202.02

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments on the closure of an alley system located in Square 2882. The Square is bound by Euclid Street, NW to the north, private property to the east, Barry Place, NW to the south, and Sherman Avenue, NW to the west.

Per the Applicant's materials submitted to the Office of Surveyor, the portion of the alley to be closed is located in the southwest portion of the Square; it contains approximately 5,367 square feet of land area. The alley was dedicated in 1912 by the property owner at the time for access to subdivided lots on the square. The alley is 15 feet wide and runs east-west from 9th Street with two legs extending north. The alley does not have any DC Water or Washington Gas Lines. The closure of the alley will not disrupt the public alley system and will not interfere with access to or from any other development in the square or any other alley segments.

The Applicant proposes to close the alley to allow redevelopment of Lots 742-769, 1034, 1038, and 1039 in Square 2882. The redevelopment project proposes to construct a six-story, mixed-use building that will contain approximately 237,611 square feet of residential space with approximately 319 dwelling units and approximately 11,517 square feet of ground floor retail along Sherman Avenue, NW.

There are no federal properties near Square 2882 with the potential to be affected by the alley closing, and the proposed alley closing is not inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital.

The Coordinating Committee reviewed the proposal at its February 11, 2015, meeting. The Committee forwarded the proposed public alley closure to the Commission with the statement that the proposal has been coordinated with all participating agencies, with the exception of the District of Columbia Office of Planning and the District Department of Transportation. These two agencies

continue to work with the Applicant on design details of the proposed redevelopment project planned for the site of the proposed alley closing and adjacent properties. The participating agencies were: NCPC; the District of Columbia Office of Planning; the DC Historic Preservation Office; the District Department of Transportation; the District of Columbia Fire and Emergency Medical Services, the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

*

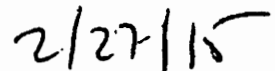
*

*

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and DC Code § 9-202.02, I find that the proposed alley closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW, would not be inconsistent with the Comprehensive Plan for the National Capital.



Marcel Acosta
Executive Director



[Date]

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

Application of Barry Place Partners, LLC
Owner of Property
in Square 2882

Closing of a Public Alley in
Square 2882, S.O. 14-21729
Bill 21-0424

STATEMENT OF THE APPLICANT

**I.
Introduction**

Barry Place Partners, LLC, with the consent of Howard University, which also owns a portion of the property adjacent to the alley that is the subject of this application (collectively, the "Applicant") hereby requests the closing of the portion of a public alley system in Square 2882, pursuant to D.C. Code, § 9-202.01, *et seq.* Bill 21-0424, a copy of which is attached as Exhibit A, was introduced by the Executive Office of the Mayor to effectuate the proposed alley closing, which is necessary for the development of Lots 742-769, 1034, 1038, and 1039 in Square 2882 (the "Property") with a six-story, mixed-use building that will contain approximately 319 dwelling units and approximately 11,517 square feet of ground floor retail use (the "Project"), which was approved by the District of Columbia Zoning Commission pursuant to Z.C. Order No. 14-21, a copy of which is attached as Exhibit B. The approved development plans for the Project are attached as Exhibit C.

A copy of the draft alley closing plat showing the area to be closed and the property abutting the same is attached hereto as Exhibit D. As discussed herein, this application meets the statutory requirement for approval pursuant to D.C. Code § 9-202.01 because the alleys to be closed are unnecessary for public alley purposes and will not interfere with access to or from any

other development in the square or any other alley segments. The alley closures are necessary to construct the Project.

II. Background and Proposed Development

The Property is located in Square 2882, which is bounded by Euclid Street, NW to the north, private property to the east, Barry Place, NW to the south, and Sherman Avenue, NW to the west. The Property is located in the southwest portion of the square and contains approximately 58,797 square feet of land area. To the north of the Property is a surface parking lot owned by Howard University; to the south are the Howard Plaza Towers dormitory buildings; to the west are the Garfield Terrace Apartments; and to the east is the Banneker Recreation Center. The Property is presently improved with a vacant warehouse building that once housed a refrigeration supply company, six vacant row dwellings along Sherman Avenue, and a surface parking lot for Howard University that extends from 9th Street to Sherman Avenue. The existing structures will be razed in connection with redevelopment of the Property.

The Project was approved as a planned unit development ("PUD") by the Zoning Commission pursuant to Z.C. Order No. 14-21, dated June 29, 2015, and effective on July 31, 2015. The Project will be a six story building with approximately 11,517 square feet of commercial/retail use and 319 residential units. The commercial/retail space will be at the ground floor with primary frontage on Sherman Avenue. The mix of residential units includes 14 units oriented as flats fronting on Barry Place, six two-story apartments fronting on 9th Street, and approximately 299 multi-family apartment units on Levels 2 through 6 of the building. The flats and the two-story units will have pedestrian access directly from Barry Place and 9th Street, respectively. The entrance for the lobby of the apartment house will be at the south end of Sherman Avenue. Vehicular access to the project will be on the north side of the Property on 9th

Street, where a drive aisle leads to an at-grade surface parking lot at the center of the building and a ramp down to below-grade parking. The Project will have approximately 144 off-street parking spaces. The overall density will be approximately 5.0 floor area ratio ("FAR"), of which 0.2 FAR will be devoted to commercial/retail uses. The maximum building height will be 80 feet.

The approved PUD includes the following public benefits and project amenities, as set forth in Decision Section B of Z.C. Order No. 14-21:

1. **Housing and Affordable Housing** (*11 DCMR § 2403.9(f)*) – The project shall provide the following housing and affordable housing:

a. The project shall provide a total of approximately 237,455 square feet ("sq. ft.") of residential gross floor area ("GFA") of housing, approximately 210,745 sq. ft. of GFA of this total will be market-rate housing, and approximately 26,710 sq. ft. will be affordable housing comprised of the Inclusionary Zoning noted in part (b), and the Affordable Housing for Howard Faculty, Staff, and Graduate Students noted in part (c) below;

b. *Inclusionary Zoning.* For so long as the project exists, the Applicant shall provide no less than 19,667 sq. ft. of GFA reserved as Inclusionary Units required under Chapter 26 of the Zoning Regulations. This reserved space shall be comprised of:

(1) No less than 4,941 sq. ft. of GFA set aside for households with incomes not exceeding 60% of the area median income ("AMI"), which shall be comprised of no less than four two-bedroom units; and

(2) No less than 14,726 sq. ft. of GFA set aside for households with incomes not exceeding 80% of the AMI, which shall be comprised of no less than 23 units.

The IZ Covenant for the project shall include a provision consistent with this condition;

c. *Affordable housing for Howard Faculty, Staff, and Graduate Students.* For so long as the project exists, in addition to the IZ units required under Chapter 26 of the Zoning Regulations described in part (b) of this condition, prior to the issuance of a certificate of occupancy for the project, the Applicant shall reserve 7,043 sq. ft. of GFA of affordable housing for Howard University faculty, staff, and graduate students. This reserved space shall be comprised of:

(1) No less than 2,470 sq. ft. of GFA set aside for households with incomes not exceeding 60% of AMI, which shall be comprised of no less than two two-bedroom units; and

(2) No less than 4,573 sq. ft. of GFA set aside for households with incomes not exceeding 80% of AMI, which shall be comprised of no less than seven units.

The distribution of the Howard University affordable units shall be in substantial accordance with the matrix and plans marked as Exhibit 42 of the record and Sheet 12 of the Plans. The monitoring and enforcement documents required by 11 DCMR § 2409.10 shall include a provision requiring compliance with this Condition B.1(c); and

d. *Housing for Howard Faculty, Staff, and Graduate Students.* The Applicant and the University shall enter into an agreement whereby the Applicant is obligated to make no fewer than 50 units within the project for lease by Howard University faculty, staff, and graduate students at all times, for the life of the project. These units shall be in addition to the nine (9) affordable units reserved for Howard faculty, staff, and graduate students.

Prior to the issuance of a building permit for the project, the Applicant shall furnish a letter to the Zoning Administrator from Howard University confirming said agreement between the parties.

2. **Environmental Benefits** (11 DCMR § 2403.9(h)) – The project shall provide the following environmental benefits:

a. *LEED Certification.* Prior to the issuance of a certificate of occupancy for the building, the Applicant shall furnish a copy of its LEED certification application to the Green Building Certification Institute. The PUD shall fulfill or exceed LEED-Gold Certification; and

b. *Green Roof.* For so long as the project exists, the project shall include a 29,000-square-foot green roof that covers 76% of the roof area. The planting areas on the green roof will be designed to filter and store stormwater for re-use on the project. In addition, the project shall include a sky lounge on the upper floor of the roof tower with a green wall or hydroponic garden. The green roof and sky lounge shall be designed in substantial accordance with the Plans.

3. **Employment Benefits** (11 DCMR § 2403.9(e)) – *Job Training Scholarships.* During the operation of the project, for a five-year period the Applicant, through the Refrigeration Supply Company, shall provide a minimum of 50 scholarships for HVAC Technician training and EPA Type I, II, and III and Universal Certification. The scholarships shall be available to those persons who reside within the boundaries of ANC 1B. The Applicant shall advertise the training program through the Pleasant Plains Civic Association and the Single Member District Representative for ANC 1B-11.

Prior to the issuance of a certificate of occupancy for the PUD, the Applicant will furnish sufficient evidence to the Zoning Administrator that the training program is fully operational. Sufficient evidence will include a copy of the agreement between the Applicant and

the organization responsible for processing the scholarship applications, names of those persons who have applied for and are receiving the training, and the location(s) of the training site(s).

4. **Other Public Benefits and Project Amenities** (11 DCMR § 2403.9(j)) –

Improvements to Community Recreation Spaces. Prior to the issuance of a building permit for the project, the Applicant shall either (1) donate \$110,308 to the DC Housing Authority (“DCHA”) to cover the cost of certain improvements to the community rooms at the LeDroit Park Apartments and the Garfield Terrace Apartments, respectively, or (2) enter into an agreement with DCHA to make the improvements to said spaces. This obligation shall be in accordance with the letter from DCHA, including the attached plans, marked as Exhibit 40 of the record.

III.

Description of Public Alleys

In order for the Project to move forward, the existing alley network on the Property must be closed. The alley network consists of three 15-foot wide alleys – one that runs east-west from 9th Street and two that extend north. Together, the alleys have approximately 5,367 square feet of land area. The alley is unpaved and lack improvements with the exception of two existing alley lights owned by the District, and for which the applicant has already paid to remove. The alleys were dedicated in 1912 by the then property owner for access to the subdivided lots (subdivision book 47, page 120). They provide rear access to the row dwellings fronting on Sherman Avenue, however, as already noted, they alley are unpaved and the row dwellings will be razed in order to redevelop the Property. Further, the area for the alleys is used as a parking lot and there is no clear demarcation to identify the alleys. The area is above the grade of the surrounding public street and the parcel to the north. There are no DC Water or Washington Gas lines within the alley.

IV.

Review by District Agencies and Utilities

The proposed alley closings have been reviewed in detail by the relevant District of Columbia agencies and public utilities. The Applicant worked extensively with all of the agencies and utilities on the proposed alley closings, and none have any objection to the

application, subject to certain conditions. See Exhibit E through Exhibit I. The Applicant agrees to the conditions requested by the District Department of Transportation (“DDOT”), Verizon, and the DC Fire and Medical Services Department (“FEMS”), as set forth below.

DDOT. DDOT initially conditioned its approval of the application on the Applicant paying for the removal of two existing alley lights, conduit, and related infrastructure, at a cost not to exceed \$2,375.00. Following the Applicant's payment of the fee on March 31, 2015, and a letter from the Applicant acknowledging the same, DDOT submitted a letter removing its objection. DDOT's two letters, the Applicant's response letter, and the receipt of the Applicant's payment are included at Exhibit E.

Verizon. Verizon initially objected to the application unless the Applicant agreed to either (i) provide an easement paid for by the owners, with metes and bounds description and with a plat of all documentation necessary to record the easement to permit the telephone plant to remain in its present location, subject to Verizon approval, or (ii) fully reimburse Verizon for relocating its plant and feeders. By letter dated March 18, 2015, the Applicant agreed to comply with Verizon's request, and by letter dated March 23, 2015, Verizon removed its objection to the application. Verizon's two letters and the Applicant's response letter are included in Exhibit H.

FEMS. FEMS did not object to the application, but stated the following: (i) no existing FD connections and fire hydrants may be obstructed/blocked in a way that will prevent emergency access, and (ii) fire access to adjacent properties, lots and squares may not be compromised and must be maintained in accordance with Chapter 5, Fire Service Features, and Section 503 “Fire Apparatus Access Roads” in the 2012 International Fire Code. The Applicant agrees to both conditions.

The Office of Planning. The Office of Planning (“OP”) report states that the proposed alley closures would further the objectives of the Comprehensive Plan, and noted that the portions of the alley to be closed are “currently unimproved and provide no rear service functions. They serve only the lots proposed to be consolidated for the creation of one larger lot for the construction of the proposed building.” See Exhibit F.

The National Capital Planning Commission. The National Capital Planning Commission (“NCPC”) report states that the proposed alley closing “is not inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital.” See Exhibit I.

Based on the recommendations of the District agencies and utility companies, the Applicant submits that the alleys are not necessary for public alley purposes, and the closings will have no adverse impact on the present or future transportation conditions within the surrounding areas, and will enable the development of this portion of Square 2882 in furtherance of the goals for this area of the District and in accordance with the approved PUD plans.

V. Community Input

The Applicant worked closely with the community stakeholders and the affected Advisory Neighborhood Commissions (“ANC”) in processing the alley closing application. At its duly noticed and regularly scheduled public meeting of March 10, 2015, ANC 1B voted unanimously to support the alley closing application. A copy of ANC 1B’s letter in support is attached as Exhibit J.

VI. Compliance with the Comprehensive Plan

The Comprehensive Plan Future Land Use Map designates the Property for mixed-use Medium-Density Residential and Medium-Density Commercial uses.¹ The Comprehensive Plan Generalized Policy Map designates the Property as located within the Howard University Town Center Land Use Change Area.² Copies of the relevant portions of the Future Land Use Map and Generalized Policy Map are attached hereto as Exhibits K and L, respectively. In addition, in its report to the D.C. Surveyor dated May 28, 2015, OP reported that the Project complies with many of the District's planning and urban design objectives, which are embodied in the Comprehensive Plan.

The proposed alley closings and redevelopment of the Property with the proposed mixed-use building will further the following policies and objectives in the Comprehensive Plan:

A. Guiding Principles of the Comprehensive Plan

The Project is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities.

1. Managing Growth and Change

In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for

¹ The Medium Density Residential designation is used to define neighborhoods or areas where mid-rise (four-to-seven) apartment buildings are the predominant use. Pockets of low and moderate-density housing may exist within these areas. 10A DCMR § 225.5. The Medium Density Commercial land use designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. 10A DCMR § 225.10.

² The guiding philosophy in Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. 10A DCMR § 223.11.

less affluent households to increase their income. 10A DCMR § 217.4. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. 10A DCMR § 217.6. The Project is fully consistent with each of these goals. Redeveloping the Property into a vibrant, mixed-use development in an infill location and along a major District corridor will revitalize the neighborhood and significantly improve the surrounding community.

2. Creating Successful Neighborhoods

One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the Plan's elements. 10A DCMR § 218.8. The Project furthers this goal since, as part of the entitlement process, including the alley closing process, the Applicant worked closely with ANC 1B, ANC 5E, and many other community stakeholders to ensure that the development provides a positive impact to the surrounding neighborhood.

3. Building Green and Healthy Communities

One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment.(10A DCMR § 221.3.) Consistent with these goals, the Project will include a significant number of sustainable design features and is located in a transit-rich environment, reducing the need to use private vehicles to access the site. Moreover, the building will achieve LEED-Gold certification.

B. Land Use Element

The Project and alley closing application will also further a number of the policies of the Land Use Element of the Comprehensive Plan, including *Policy LU-2.2.7: Alley Closings* -

Discourage the conversion of alleys to 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. In this case, the alley segments on the Property are currently unimproved and provide no rear service functions. They serve only the lots proposed to be consolidated for the creation of one larger lot for the construction of the Project.

C. Urban Design Element

The alley closing application and the Project will further a number of the policies of the Urban Design Element and help to address some of the most important urban design issues facing the District, including the need to strengthen civic identity by focusing the quality of public spaces, improve the public realm along rights-of-way, and promote design excellence throughout the city. The closing of the alley segments will allow the Applicant to consolidate several lots into one of sufficient size and shape to allow for a design that will increase the width of the sidewalks along Sherman Avenue and 9th Street, thus improving the appearance and usefulness of the public realm and sidewalk space. The specific urban design policies that are particularly applicable to this proposal include the following:

1. *Policy UD 1.1.2: Reinforcing the L'Enfant and McMillan Plans – “...Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas or viewsheds. (See Figure 9.3: Discouraging Alley and Street Closings within the L'Enfant Plan Area 903.10).* In this case, there are no vistas or viewsheds associated with these alleys and they are not within the L'Enfant Plan and McMillan Plan areas.

2. *Policy UD 1.4.1: Avenues/Boulevards and Urban Form – Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character.* The closure of the alley gives the Applicant the flexibility to design a building that will improve the aesthetic and visual character of Sherman Avenue, Barry Place, and 9th Street.

3. *Policy UD 2.1.2: Downtown Street and Block Patterns – Maintain a fine grained pattern of Downtown blocks, street and alleys, with intersections and frontages that encourage pedestrian movement and reduce the potential for immense variations in scale and “fortress-like” office buildings (see Figure 9.8 [Superblock Versus Fine-Grained Street and Development Patterns §909.13]).* The closure will have no impact on this policy objective.

4. *Policy UD 3.1.9: Street Closures – Strongly discourage the closure of streets for private ownership or use. Any request for street closure should be reviewed in terms of the resulting impacts on vehicular and pedestrian circulation, access to private property, emergency access and fire protection, view obstruction, loss of open space, building scale, and other factors.* No street closure is involved. The major impact from a land use and physical character aspect is that the closing will permit the construction of one building with a single point of loading and parking ingress/egress. Therefore, the proposed alley closing should have no resulting adverse impacts on vehicular and pedestrian circulation.

D. Mid-City Area Element

The Property is in the Mid-City Area of the Comprehensive Plan. The application furthers *Policy MC-1.1.3: Infill and Rehabilitation - Encourage redevelopment of vacant lots and the rehabilitation of abandoned structures within the community, particularly along Georgia Avenue, Florida Avenue, 11th Street, and North Capitol Street, and in the Shaw, Bloomingdale, and Eckington communities. Infill development should be compatible in scale and character with adjacent uses.*

VII.

Compliance with the Street and Alley Closing and Acquisition Procedures Act (D.C. Code Section 9-201.01, et seq.)

A. Authority for this Closing is Set Forth in the Street and Alley Closing and Acquisition Procedures Act of 1982, D.C. Code Section 9-201.01, et seq.

The legal standard of review for closing an alley is whether the alley is "unnecessary for street or alley purposes." D.C. Code § 9-202.01. The portion of the public alleys to be closed under this application comprise approximately 5,367 square feet of land area in the southwest portion of Square 2882 and only abuts property owned or controlled by the Applicant. The Applicant intends to combine the individual lots within the Property and the closed public alleys

into a single record lot to facilitate the construction of the Project. Accordingly, the portion of the alley system to be closed is no longer necessary for alley purposes.

VIII.
Witnesses

Charles Frazier, Principal
Barry Place Partners, LLC
4909 North Monroe Street
Tallahassee, FL 32303

Anthony Freeman, Real Estate Executive
Real Estate Development and Capital Asset Management
Howard University
2244 10th Street, NW
Washington, DC 20059

Steve Gresham, AIA, Principal
Niles Bolton Associates
300 N Lee St, Suite 502
Alexandria, VA 22314

Jami L. Milanovich, Principal Associate
Wells + Associates
1420 Spring Hill Road, Suite 610
Tysons, VA 22102

IX.
Exhibits

<u>Exhibit A:</u>	Bill 21-0424
<u>Exhibit B:</u>	Z.C. Order No. 14-21
<u>Exhibit C:</u>	Architectural Plans and Elevations
<u>Exhibit D:</u>	Draft Alley Closing Plat
<u>Exhibit E:</u>	Reports from DDOT
<u>Exhibit F:</u>	Report from the Office of Planning

- Exhibit G: Reports from other District Agencies (Historic Presentation, Department of Housing and Community Development, FEMS, and Department of Public Works)
- Exhibit H: Reports from Utilities (Washington Gas, PEPCO, Verizon and DC Water)
- Exhibit I: Report from the National Capital Planning Commission
- Exhibit J: Letter of Support from ANC 1B
- Exhibit K: Relevant Portion of the Future Land Use Map of the Comprehensive Plan
- Exhibit L: Relevant Portion of the Generalized Policy Map of the Comprehensive Plan
- Exhibit M: Affidavit of Posting

X.
Conclusion

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

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: *Leila Batties*
Leila M. Jackson Batties
Janene D. Jackson

**EXECUTIVE BRANCH TESTIMONY
BY THE
OFFICE OF THE SURVEYOR
ON BILL NO. 21-424 "CLOSING OF A PORTION OF A
PUBLIC ALLEY IN SQUARE 2882
S.O. 14-21729" ACT OF 2015**

December 21, 2015

INTRODUCTION:

Good morning Chairman Mendelson and Committee Members. I am Roland Dreist, Surveyor of the District of Columbia. I appear before you today to present testimony on Bill No. 21-424. This bill would close a portion of a public alley in Square 2882, bounded by Euclid Street to the North, 9th Street to the East, Barry Place to the South and Sherman Avenue to the West in Northwest Washington, D.C. in Ward 1.

APPLICANT:

The applicant is Barry Place Partners, LLC, who is represented by Holland & Knight.

PURPOSE:

The purpose of this closing is to allow redevelopment of several lots with a six-story, mixed use building that will contain approximately 237,611 square feet of residential use.

DESCRIPTION:

The portion of the alley to be closed was created by a subdivision recorded on November 9, 1912 in Subdivision Book 47, Page 120.

AREA & ASSESSED VALUE:

The area of the portion of the alley to be closed is 5,397 square feet. The Office of Tax and Revenue has indicated that the lands market value as of January 1, 2015, which represents tax year 2016 is \$100.00 per square foot average for a total estimated value of \$539,700.00.

AGENCIES:

The Executive Branch agencies have no objections.

UTILITIES:

The utility companies have no objections to this application.

RETAIL TENANTS:

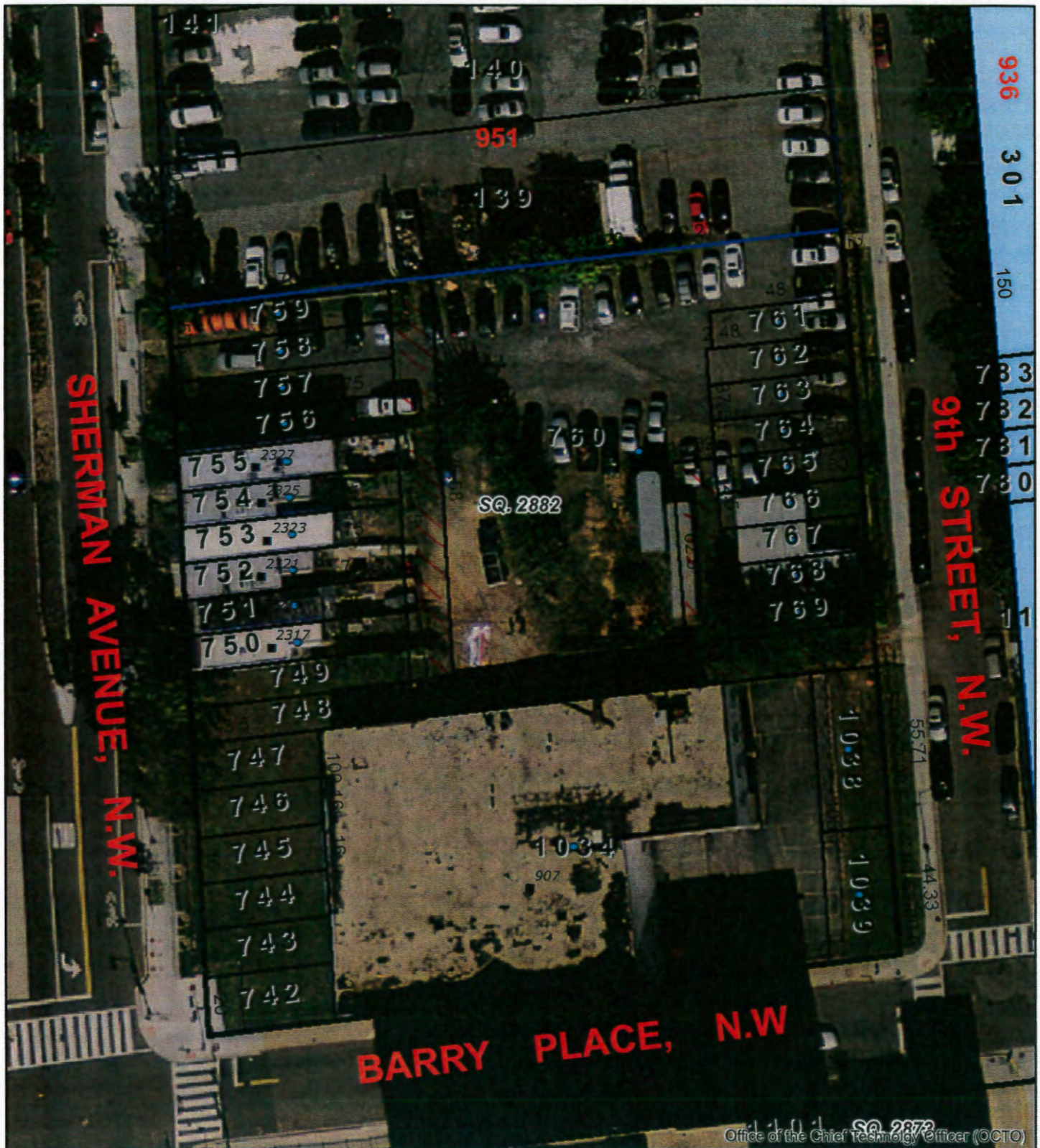
No retail tenants will be displaced as a result of this closing.

NCPC, ANC & ABUTTING PROPERTY OWNERS:

Pursuant to D.C. Official Code §9-202.02(5) the application was referred to Advisory Neighborhood Commission (ANC) 1B on March 24, 2014. ANC 1B's support of this application is conditioned based on the community benefits outlined in the letter dated in their letter dated March 24, 2015. The application was referred to National Capital Planning Commission on February 4, 2015. In a letter to the Surveyor dated March 20, 2015, NCPC's Executive Director indicated that by delegated action dated February 27, 2015, he found that the proposed alley closing would not be inconsistent with the Comprehensive Plan for the National Capital. Pursuant to D.C. Code §9-202-02.(6) notice of the application was forwarded to the abutting property owners on February 4, 2015. To-date, no comments have been received. Any comments will be forwarded when received.

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

PUBLIC ALLEY CLOSED - SQUARE 2882



1 inch = 48 feet

SCALE

0 12.5 25 50 75 Feet

Prepared by: Office of the Surveyor

Date: December 16, 2015

Coordinate System:

NAD 1983 StatePlane Maryland FIPS 1900

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

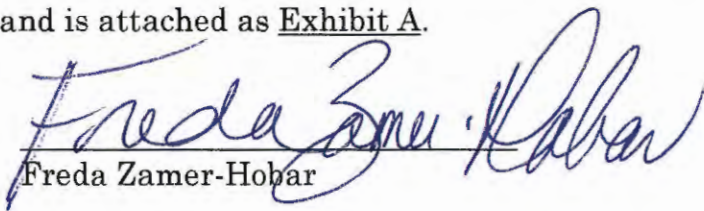
10.14-21729

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

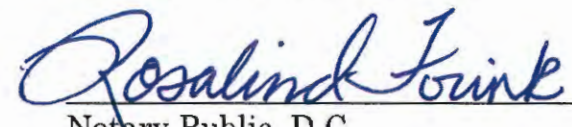
In re: S.O. 11-4822 (Closing of a Portion of Public Alley in Square 2882)
Bill 21-424

AFFIDAVIT OF POSTING FOR PROPOSED ALLEY CLOSING

I, Freda Zamer-Hobar, on December 4, 2015, personally posted four (4) public notice signs. All public notice signs were furnished by the Office of the Surveyor, indicated the date, time and location of the public hearing, and were posted at each entrance from a street to any public alley in Square 2882. Photographs of the signs have been taken for the record and is attached as Exhibit A.


Freda Zamer-Hobar

Subscribed and sworn to before me this 4th day of December, 2015.


Notary Public, D.C.

ROSALIND C. FRINK
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 14, 2017

Office of the Surveyor

Dec, 07

RECEIVED



Exhibit A

Photograph of the Sign

#37955292_v1

PUBLIC HEARING NOTICE

SURVEYOR'S OFFICE APPLICATION
NO. S.O. 11-4822

A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT
OF COLUMBIA, JOHN A. WILSON BUILDING, 1357 PENNSYLVANIA
AVENUE, N.W., ROOM 412 ON Monday, December 11, 1915, AT 10:30 a.m. TO
CONSIDER A PROPOSAL TO CLOSE a portion of a public alley known as
Square 2882, bounded by Euclid Street to the North, 8th Street to the east, Barn
Place to the south and Sherman Avenue to the west in Northeast Washington, D.C.
in Ward 1. Bill No. 21-424.

FOR FURTHER INFORMATION CALL 24-406

THIS SIGN SHALL NOT BE REMOVED
DEFACED OR DESTROYED UNDER PENALTY
OF THE LAW
THIS SIGN IS POSTED PURSUANT TO SEC. 2-202.04 D.C. OFFICIAL CODE
2001 E.D.

SO .
11-4822
9th
St. NW
Alley
Posted
12-4-15
9:56
Am

Entrance
to
Alley

S.O.
11-4822

9th Street
NW

Alley

Posted
12-4-15
9:20 Am

Middle
of
Alley

PUBLIC HEARING NOTICE

SURVEYOR'S OFFICE APPLICATION
NO. S.O. 11-4822

A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT
OF COLUMBIA, JOHN A. WILSON BUILDING, 1350 PENNSYLVANIA
AVENUE, N.W., ROOM 412 ON Monday, December 21, 2015, AT 10:30 a.m. TO
CONSIDER A PROPOSAL TO CLOSE: of a portion of a public alley system in
Square 2882, bounded by Euclid Street to the North, 9th Street to the east, Barry
Place to the south and Sherman Avenue to the west in Northwest, Washington, D.C.
in Ward 1. Bill No. 21-474.

FOR FURTHER INFORMATION CALL 724-8050

THIS SIGN SHALL NOT BE REMOVED,
DEFACED OR DESTROYED UNDER PENALTY
OF THE LAW
THIS SIGN IS POSTED PURSUANT TO SEC. 9-202.06, D.C. OFFICIAL CODE,
2001 ED.

SURVIVOR'S OFFICE APPLICATION
NO. S.O. 11-4822

**HEARING WILL BE HELD BY THE COUNCIL OF THE DISTRICT
OF COLUMBIA, JAMES A. WILSON BUILDING, 1350 PENNSYLVANIA
AVENUE, ROOM 400 ON MONDAY, DECEMBER 21, 2015, AT 10:30 A.M. TO
CONSIDER A PROPOSAL TO CLOSE OFF A PORTION OF A PUBLIC ALLEY SYSTEM IN
THE NORTHEAST QUADRANT OF THE CITY OF WASHINGTON, D.C.**

...in North...

...INFORMATION CALL 714-962-...

...SICK M...

...On O...

THIS SIGN IS ALL-NOT-A-REMOVER
WOULDS OR WOULD BE UNDER
AS NOT IS FORTER FORTER TO LAY

Alley
Posted
12-4-15

Middle
of
Alley

PRIVILEGED AND CONFIDENTIAL — DELIBERATIVE PROCESS

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CITY ADMINISTRATOR**



AGENCY APPROVAL REQUEST FORM

FOR RULEMAKINGS, LEGISLATION, MAYOR'S ORDERS, AND CORRESPONDENCE

1. Requesting agency	Office of the Surveyor, DCRA
2. Contact person for questions (name, phone, email address)	Diana Dorsey Hill , (202) 442-4984, diana.dorsey@dc.gov
3. Date of IQ request (date sent to OPLA for entry into IQ)	
4. Requested IQ turnaround time (specify an actual date)	
5. Proposed date of publication in Register (regulations), transmittal to Council (legislation), or issuance (Mayor's Orders/ correspondence)	
6. Deadline for agency action (if applicable; list date and basis of deadline)	NA
7. Type of request (check one) <input type="checkbox"/> Rulemaking <input type="checkbox"/> Mayor's Order <input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Correspondence	
8. Name/title of document	Proposed Closing of a Public Alley in Square 2882 S.O. 14-21729
9. General purpose and effect. <i>(Describe the general purpose and effect of the proposed rulemaking, legislation, Mayor's Order, or correspondence.)</i> This legislation will close a public alley in Square 2882 bounded by 9 th Street, N.W., Barry Place, N.W. and Sherman Avenue, N.W.	
10. Detailed summary of the main elements of the proposed legislation. <i>(Describe in detail each significant element of the proposed legislation)</i> Specifically, this legislation will: <ul style="list-style-type: none"> ○ Close a public alley bounded by Euclid Street, N.W. to the north, 9th Street, N.W. to the east, Barry Place, N.W. to the south and Sherman Avenue, N.W. the west. ○ The closing of this alley in Square 2882 will be contingent upon the satisfaction of all conditions as set forth in the official file for S.O.14-21729. 	
11. Detailed rationale describing why the agency is proposing the legislation. <i>(First describe the general reasons why the agency is proposing the action. Then describe in detail the agency's reason(s) for proposing each major element of the proposed legislation. Cite with specificity any legal or budgetary reasons.)</i> DCRA is submitting this proposed legislation on behalf of the applicant, Barry Place Partners, LLC, who is represented by Holland and Knight who propose the legislation for the following general reasons:	

- To allow redevelopment of several lots with a six-story, mixed use building that will contain approximately 237,611 square feet of residential use.

12. What non-governmental stakeholders are impacted by the proposed legislation?

(List each stakeholder that is likely to be impacted by the proposed. For each stakeholder: provide the name of the stakeholder; describe the likely impact on the stakeholder, e.g. impact on stakeholder's operations and costs; identify the stakeholder's stated or anticipated concerns; describe the agency's response to each concern; and describe any outreach the agency has made to the stakeholder.)

This legislation will impact the following stakeholders:

- **Name: DC Water**
Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect WASA's operations.
Impact: N/A
Concerns: DC Water stated in a letter dated February 9, 2015 that it currently have no utilities located within the subject area. However, if the alley appears to provide overland storm water relief that applicant must provide surface drainage to portions of the alley not closed.
Agency Response: N/A
- **Name: Pepco**
Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect PEPCO's operations.
Impact: N/A
Concerns: Pepco stated in a letter dated February 24, 2015 that Pepco does not have any facilities in the portion of the alley to be closed.
Agency Response: N/A
- **Name: Verizon**
Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect Verizon's operations.
Impact: Verizon stated in a letter dated February 26, 2015 that the object to this application unless the applicant agreed to the following conditions:
 - An easement will be provided, and paid for by the owners with metes and bounds description with a plat and all documentation necessary to record the easement to permit existing telephone plat to remain in its present location to Verizon approval; or
 - Verizon is fully reimbursed for relocating its plant and feeders. Alley/Street closing will not take place until these facilities are completely relocated and permanent services restored fully to all customers affected by the move.
 - The applicant stated in a letter dated March 18, 2015 that it agrees to do the following upon final redevelopment plans: (1) provide Verizon with an easement to permit the existing telephone plant to remain in its present location or (2) effectuate the relocation of Verizon's plant and feeders or fully reimburse Verizon for such relocation.**Concerns:** Verizon stated in a letter dated March 23, 2015 that it withdraws its objections to the proposed closing.
Agency Response: N/A
- **Name: Washington Gas**
Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect the operation at Washington Gas.
Impact: N/A
Concerns: Washington Gas stated in a letter dated February 20, 2015 that they had no facilities in conflict with the area as shown and have no objection to the closing of public alley

in Square 2882.

Agency Response: N/A.

- **Name: National Capital Planning Commission (NCPC)**

Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on this closing from NCPC.

Impact: N/A

Concerns: NCPC stated in a letter dated March 10, 2015 that the proposed alley closing in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW would not be inconsistent with Comprehensive Plan for the National Capital.

Agency Response: N/A

13. Does the proposed legislation have an impact on any other District government agency?

(For each impacted agency: list the name of the impacted agency; provide the name and phone number of the impacted agency's point of contact; describe the impact of the proposed rulemaking, legislation, Mayor's Order, or correspondence on the impacted agency; describe your agency's outreach to the impacted agency; either indicate that the impacted agency supports the proposed legislation or describe the impacted agency's remaining concerns; and, if the impacted agency has any remaining concerns, describe your agency's response to those concerns)

NOTE: If the action has an impact on another District government agency, you must reach out to each affected agency to review the document and provide comments before submitting the document to OCA. If the impacted agency has any concerns or comments, these should be resolved prior to submission to OCA whenever possible.

This legislation will impact the following District government agencies:

- **Name: District Department of Transportation (DDOT)**

Contact information: Sam Zimbabwe, Associate Director, (202) 673-6813

Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect DDOT's operation.

Impact: DDOT stated in a letter dated March 17, 2014 that they object to the requested action until the applicant submits payment to cover the cost to remove the existing alley light fixtures. In a letter dated March 31, 2015, that applicant stated that they would cover all costs of removing the existing lights, light fixtures, arms and conduit.

Concerns: DDOT stated in a letter dated April 3, 2015 that payment was received to cover the cost related to the removal of the alley lights. The DDOT condition has been addressed and DDOT no longer objects to the action.

Agency Response: N/A.

- **Name: Office of Planning (OP)**

Contact information: Jennifer Steingasser, Deputy Director, (202) 442-8808

Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect OP's operation.

Impact: N/A

Concerns: OP stated in a letter dated May 28, 2015 that they have no objection to this request.

Agency Response: N/A

- **Name: Historic Preservation Office (HP)**

Contact information: Andrew Lewis, (202) 442-7600

Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may affect HP's operation.

Impact: N/A

Concerns: In a letter dated February 10, 2015 Historic Preservation has no comments on this proposed action since this closure involves an alley rather than a street.

<p>Agency Response: N/A</p> <ul style="list-style-type: none"> ○ Name: Department of Housing and Community Development (DHCD) Contact information: Paul Walker, Architect (Construction Inspector) (202) 442-7141 Outreach: The Surveyor's Office sent a letter dated February 4, 2015 requesting comments on how this closing may impact DHCD. Impact: N/A Concerns: DHCD stated in a letter dated February 10, 2015, that they have no facilities in conflict with the area shown and have no objection to the alley closing. Agency Response: N/A ○ Name: Fire and Emergency Management Services Department (FEMS) Contact information: Tony L. Falwell, Captain, (202) 727-3292 Outreach: The Surveyor's Office sent a letter dated February 24, 2015 requesting comments on how this dedication may impact FEMS. Impact: N/A Concerns: FEMS stated in a letter dated February 24, 2015 that they have no objections to to this request being approved if the following requirements are adhered to: <ul style="list-style-type: none"> • No existing FD connections and fire hydrants can be obstructed/blocked in a way that will prevent emergency access; and • Fire access to the adjacent properties, lots and squares is not compromised and is maintained in accordance with Chapter 5, fire Service Features, and Section 503 "Fire Apparatus Access Roads" in the 2012 International Fire Code. <p>Agency Response: N/A</p> <ul style="list-style-type: none"> ○ Name: Advisory Neighborhood Commission 1B Contact information: James A. Turner Chairperson, ANC 1B (202) 481-3462 Outreach: The Surveyor's Office sent a letter February 4, 2015 requesting comments from ANC 1B regarding this closing. Impact: N/A Concerns: ANC 1B in a letter dated March 24, 2015 reported that the ANC had voted unanimously (10-0) to support this application. Agency Response: N/A ○ Name: Department of Public Works (DPW) Contact information: Anthony Duckett, Chief Street & Alley Cleaning Division, (202) 727-2539 Outreach: The Surveyor's Office sent a letter February 4, 2015 requesting comments from DPW on how this closing may impact DPW's operation. Impact: N/A Concerns: DPW stated in a letter dated March 19, 2015 that they had no objection to the closing in Square 2882. Agency Response: N/A
<p>14. Will the action have a significant fiscal impact, direct or indirect? Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.</p>
<p>The required FIS is attached.</p>
<p>15. Is this action in any way controversial? No</p>

AGENCIES: Do not write below this line.

Clearances

	[reviewer]	[reviewer]	[reviewer]	[reviewer]	Deputy Mayor
Approval required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reviewer approval	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Initials					
Date					

Reviewer Comments

Reviewer Initials	Comment

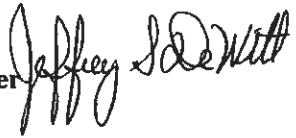
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 14, 2015

SUBJECT: Fiscal Impact Statement - "Closing of a Portion of Public Alley in Square 2882, S.O. 14-21729 Act of 2015"

REFERENCE: Draft bill as given to the Office of Revenue Analysis on August 26, 2015

Conclusion

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Background

The bill authorizes the closing of a portion of the public alley system in Square 2882, bounded by Euclid Street, N.W., 9th Street, N.W., Barry Place, N.W., and Sherman Avenue, N.W., in Ward 1 so that a six-story, mixed use building can be constructed.

Financial Plan Impact

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 and financial plan to implement the bill. District executive agencies and utilities do not object to the closing of this alley space. The Department of Transportation received \$2,375 on March 31, 2015 to cover the cost of removing two streetlights in the alley.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer
Office of Tax and Revenue

MEMORANDUM

To: Roland F. Dreist, JR., Surveyor, DC

From: Darrell Alston, Supervisory Appraiser. OTRIRPTA/RPAD

Date: December 9, 2015

Subject: Request for Assessed Land

Pursuant to your request the most probable estimate of value as of January 1, 2015 which represents tax year 2016 for the alley/street closings are as followed.

S.O. 11-4822 Square 5197 853 Sq.ft x \$7.30=\$6,230

S.O. 13-11003 Squares 3185 and 3186 852Sq.ft. x \$45=\$38,340

S.O. 14-2179 Square 2882 5,397Sq.ft. x \$100=\$539,700.

If you have any questions, please contact me at 202-442-6781.

Sincerely,
Darrell Alston
Supervisory Appraiser
OTR/RPTA/RPAD

Government of the District of Columbia

Department of Transportation



d. Policy, Planning and Sustainability Administration

MEMORANDUM

TO: Roland F. Dreist Jr.
DC Surveyor
Office of the Surveyor, DCRA

FROM: Sam Zimbabwe
Associate Director, PPSA

DATE: April 3, 2015

SUBJECT: S.O. No. 14-21729 – Alley Closing in Square 2882

APPLICATION

The District Department of Transportation (DDOT) maintains the public alley network including the lighting system that consists of alley lights, related infrastructure and regulatory signage. The subject alley contains two existing alley lights in the area to be closed. In a memorandum dated March 17, 2015, DDOT objected to the proposed action until the Applicant cover all costs for removing two existing alley lights, conduit and related infrastructure at a cost not to exceed \$2,375.00.

RECOMMENDATION

Payment was received on March 31, 2015 for \$2,375.00 to cover the costs related to the removal of the alley lights. The DDOT condition has been addressed and DDOT no longer objects to the action.

SZ:lb

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Leila M. Jackson Batties
202.419.2583
leila.batties@hklaw.com

March 31, 2015

VIA HAND DELIVERY

Lewis Booker
Transportation Planner
District Department of Transportation
55 M Street, S.E. – 5th Floor, Room 533
Washington, DC 20003

Re: S.O. 14-21729
Alley Closing in Square 2882

Dear Mr. Booker:

Thank you for the report dated March 17, 2015, a copy of which is attached. This letter confirms that the subject alleys contain two existing alley lights in the area to be closed, and that the Applicant will cover all costs of removing the existing lights, light fixtures, arms, and conduit. As requested, a check in the amount of \$2,375.00 is enclosed to cover these costs.

Should you have any questions, please do not hesitate to call me.

Very truly yours,


Leila Batties

Attachment

cc: Rick Dreist, DC Surveyor	(Via Hand Delivery, w/attachment)
Sam Zimbabwe, DDOT	(Via Hand Delivery, w/attachment)
Charles Frazier, Gateway Investment Partners	(Via Email, w/attachment)

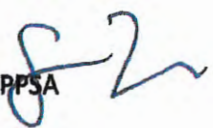
**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION**



d. Policy, Planning and Sustainability Administration

MEMORANDUM

TO: Roland F. Dreist Jr.
DC Surveyor
Office of the Surveyor, DCRA

FROM: Sam Zimbabwe 
Associate Director, PPSA

DATE: March 17, 2014

SUBJECT: S.O. No. 14-21729 – Alley Closing in Square 2882

OVERVIEW

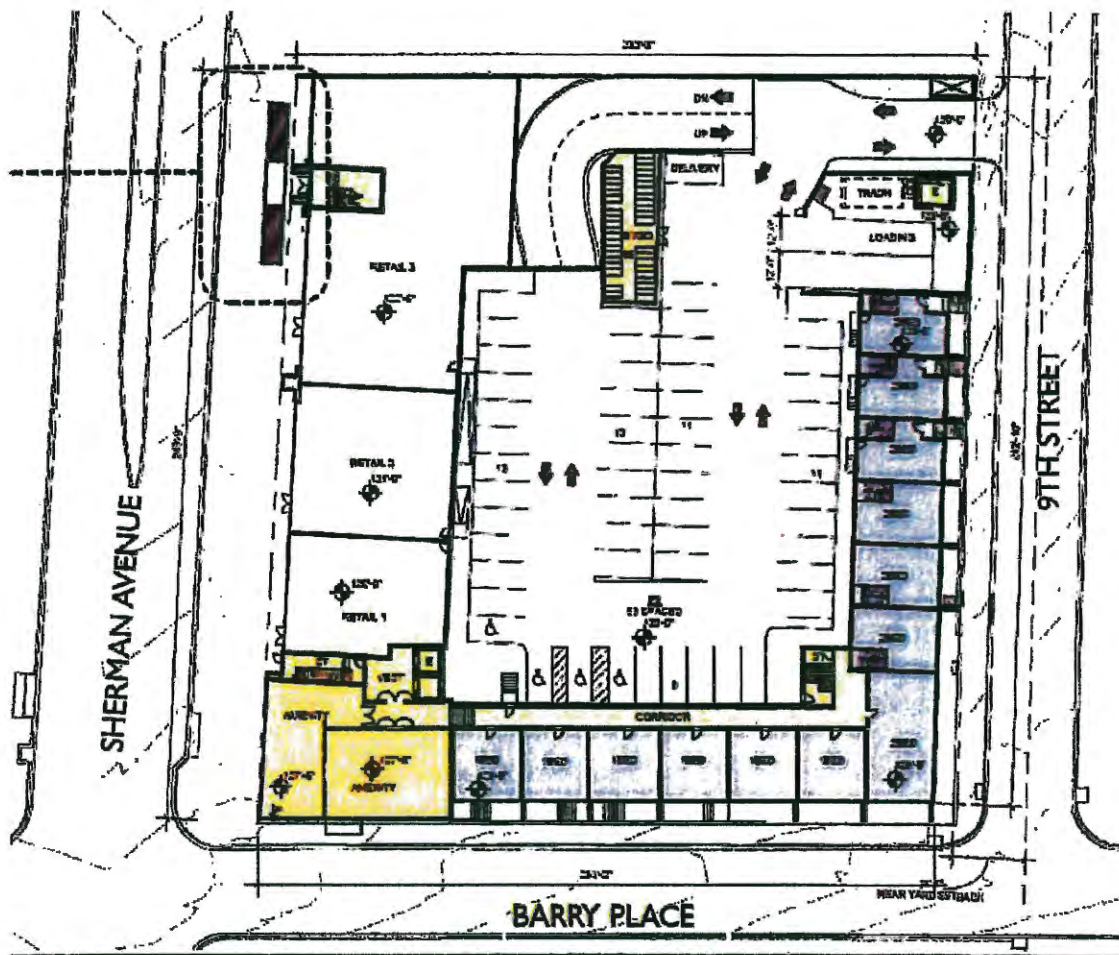
The District Department of Transportation (DDOT) has reviewed the application and materials for the subject site. This memorandum addresses the transportation aspects of the proposal. Barry Partners, LLC (the Applicant) seeks approval to close an unimproved alley network in the Subject Square to facilitate construction of a mixed-use development project. The subject Square is bounded by 9th Street to the east, Barry Place to the south, Sherman Avenue to the west and Euclid Street to the north.

The subject alleys are in the southern portion of the Square and contain a 15 ft. wide east-west running segment accessed by an alley apron on 9th Street and two 15 ft. wide north-south running legs. The alleys are unpaved and lack improvements with the exception of two existing alleys lights. There are no gas, water or sewer service in the areas to be closed.

DEVELOPMENT PROPOSAL

The alley closing and dedication will allow the Applicant to redevelop the southern section of the Square currently occupied by a commercial building on Barry Place and a segment of six row homes on Sherman Avenue. The closed alleys will be incorporated into the mixed-use

Planned Unit Development (PUD) building that will contain approximately 319 residential units, 11,034 SF of ground floor retail and 145 parking spaces in an underground parking garage. The proposed PUD is under Zoning Commission review as Zoning Case No. 14-21. A proposed single curb-cut on 9th Street, in the general vicinity of the existing alley apron, will provide vehicular access to the parking garage and loading facilities. The general footprint of the development project is below.



Source: Niles Bolton Associates
Date: 10.17.2014
N. T. S.



ALLEY OPERATIONS

The alley network provides rear access to the residential properties with frontage on Sherman Avenue, however, the alley surface and surrounding land is unpaved. The area is used as a parking lot and there is no clear demarcation to identify the public alleys. The land is located above the grade of the surrounding public streets and the parcel to the north. The picture below shows the sharp grade change between the alley area to the right and Lot 951 to the left.



PUBLIC SPACE IMPACTS

The new proposed new driveway entrance is critical for circulation within the alley network if the action is approved. Site access will be reviewed during the PUD review process. The Applicant is expected to upgrade or replace the abutting streetscape to the current design

standards. For the portions of the project with elements in the public space, the Applicant is required to pursue a public space permit through DDOT's permitting process. The Applicant may refer to the District of Columbia Municipal Regulations and DDOT's Design and Engineering Manual for specific controls of public space. A summary can be found in DDOT's Public Realm Design Manual. The proposed new curb-cut requires review and approval by the Public Space Committee (PSC).

DDOT ASSETS

DDOT maintains the public light system that consists of streetlights, alley lights and related infrastructure. The subject alleys contain two existing alley lights in the area to be closed. DDOT requires the Applicant to cover all costs for removing the existing alley lights, light fixtures, arms and conduit at a cost not to exceed \$2,375.00. (Attachment)

RECOMMENDATION

DDOT objects to the requested action until the Applicant submits payment to cover the costs to remove the existing alley light fixtures.

SZ:lb

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

ENGINEERING ESTIMATE FOR:
STREET LIGHT WORK
THIRD PARTY
INDIVIDUALS, BUSINESSES, OR AGENCIES

Square 2882 - Alley Closing Application
As per attached application

CONTRACTOR	LABOR AND OTHER COST ITEMS	AMOUNT
PEPCO	ENGINEERING, LABOR, TRUCKS, MATERIALS, ETC. AS ESTIMATED	\$0.00
DISTRICT	STREET LIGHT HARDWARE FURNISHED AT WAREHOUSE INVENTORY COST	\$0.00
DISTRICT	PAVEMENT RESTORATION AT CURRENT CONTRACT PRICES	\$0.00
DISTRICT	2 - 5A Alley lights fixtures (Pole bellings to Verizon) - ABANDONMENT OF UNDERGROUND CABLE/CONDUIT ALLEY LIGHT, ARM & FIXTURE	\$2,000.00
	SUBTOTAL	\$2,000.00
DISTRICT	ENGINEERING	\$300.00
DISTRICT	PROCESSING FEE	\$75.00
	TOTAL COST NOT TO EXCEED	\$2,375.00

Checks should be made payable to:

D.C. Treasurer
For the amount of:

Note on check should read: **Account # SLF-11212-E**

PEPCO

For the amount of: \$0.00

Note on the check should read: **Work Order #**

Notes:

1. Contractor shall dispose all streetlight equipments.
2. Developer shall pay Pepco for their service.
3. Contractor shall inform the undersigned at the start of demolition.

Third Party Concurrence: _____

Questions should be directed to:
TOA / Electrical Division
55 M Street, S.E. Suite 600 Washington DC
(202) 207-4864

Date: 3/16/2015

Prepared by: Rahmat Rasson

Approved by: Fred Akinbolajo



Permit Operations

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1100 4th STREET, SW | SUITE 310 | WASHINGTON, DC 20024

February 9, 2015

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

Subject: S.O. 14-21729 – Street and Alley Closing Application – Square 2882

Dear Mr. Dreist:

The District of Columbia Water and Sewer Authority has no objection to the proposed street and alley closings requested in S.O. 14-21729, dated February 4, 2015. District of Columbia Water and Sewer Authority currently have no utilities located within the subject area. However, if the alley appears to provide overland storm water relief the applicant must provide surface drainage to portions of the alley not closed.

If you have any questions, I can be reached at the contact information listed below.

Regards,

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



MEMORANDUM

TO: Roland F. Dreist, Jr., L.S., D.C. Surveyor
Office of the Surveyor

FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: May 28, 2015

SUBJECT: S.O. 14-21729
Proposed Alley Closings in Square 2882

I. RECOMMENDATION

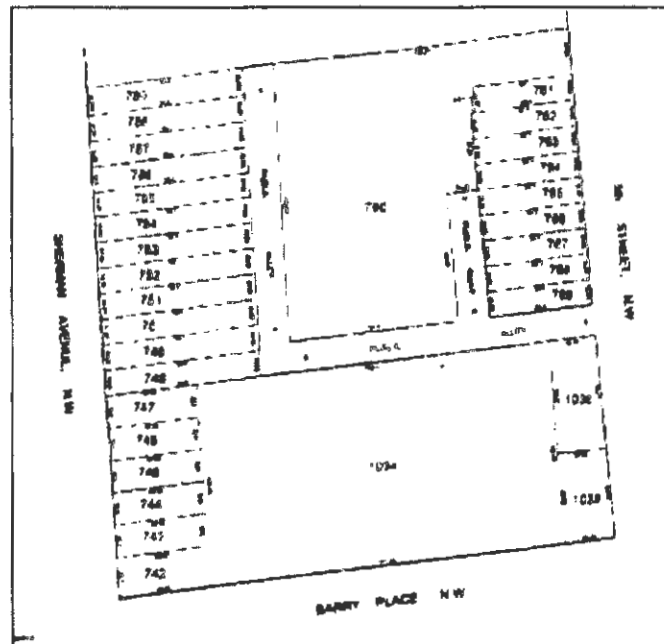
The Office of Planning (OP) has completed its review of the application for the requested alley closing, and has no objection to this request.

II. SITE DESCRIPTION

Applicant	Barry Place Partners
Address:	2301 Sherman Avenue, NW
Legal Description:	Square 2882, Lots 742-769, 1034, 1038, 1039
Ward:	1
Zoning:	R-5-B - moderate height and density apartment buildings.
ZC Review and Approval:	The proposal is consistent with the proposed action taken by the Zoning Commission in Case No. 14-21 on May 21, 2015.
Historic District	Not within a historic district or within the historic L'Enfant Plan.
Comprehensive Plan Generalized Future Land Use and Policy Map Designation:	Land Use Map – mixed use, medium density commercial and medium density residential Policy Map - Land Use Change Area The proposal is not inconsistent with these designations.
Comprehensive Plan:	Comprehensive Plan: The proposal would particularly further objectives of the Land Use, Transportation, Housing, Environment, Economic Development, Urban Design Citywide Elements, and the Mid-City Area Element of the Comprehensive Plan.

III PROPOSAL

Map showing alleys to be closed:



Request:	To close three alleys in Square 2882 as shown in the map above.
Description:	All the portions of the alleys have widths of 15 feet. The alley system is all gravel and dirt and all are in need of repair. Currently they are not in use as all the buildings are vacated.
Size:	The alleys combine for a total of 5,367 square feet in area.
Adjacent Ownership:	Barry Place Partners, LLC and Howard University are partners in the development and own all the property adjacent to the alleys to be closed.
Proposed Development:	
<u>Uses</u>	Residential: 237,455 square feet with 319 units Commercial: 11,517 square feet of ground floor retail/office uses
<u>Height and Density</u>	The building would be six stories within 80 feet of height, plus roof structures. The proposed FAR is 5.0.

<u>Site Plan</u>	The building would occupy 93% of the site including all of the alleys in this application. The mixed use, six story building would be one building with a central plaza on the second floor with floors 3-6 overlooking the plaza. The building would have ground floor retail fronting and accessed directly from Sherman Avenue while the residential use would have its main access from an entrance on the southwestern portion of the building at Sherman Avenue and Barry Place. Additionally, units on the first and second floors of the building would have entrances directly from Barry Place and 9 th Street. All the building amenities are on the second floor.
<u>Parking and Loading</u>	The single vehicular and loading entrance into the building would be located on the northeastern portion of the site along 9 th Place, NW. All loading, unloading and turnaround of trucks would take place within the building.
<u>Easements</u>	There are no easements across the property.

III. ANALYSIS

A. Planning and Urban Design

The Director of the Office of Planning is required to “*determine whether the proposed closing is in compliance with the District’s planning and urban design objectives*”, as per 24 DCMR 1401.2(c). These objectives, as contained within the Comprehensive Plan (10DCMR, Chapter 9), include:

§300 Land Use Element

§310.8 Policy LU-2.2.7: Alley Closings

Discourage the conversion of alleys to 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.

The alleys are currently unimproved and provide no rear service functions. They serve only the lots proposed to be consolidated for the creation of one larger lot for the construction of the proposed building.

§900 Urban Design Element

The critical urban design issues facing the District of Columbia...include:

- *Strengthening civic identity through a renewed focus on assets such as public spaces, boulevards, and waterfront areas...*
- *Improving the public realm, particularly street and sidewalk space...*

Closing of the alleys would allow the applicant to consolidate several lots into one of sufficient size and shape to allow for a design that would increase the width of the sidewalk to the front of the building along Sherman Avenue and 9th Street, thus improving the appearance and usefulness of the public realm and sidewalk space.

§903.7 Policy UD 1.1.2: Reinforcing the L'Enfant and McMillan Plans.

...Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas or viewsheds. (See Figure 9.3: Discouraging Alley and Street Closings within the L'Enfant Plan Area 903.10)

There are no vistas or viewsheds associated with these alleys and they are not within the L'Enfant Plan and McMillan Plan areas.

§906.6 Policy UD 1.4.1: Avenues/Boulevards and Urban Form

Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character...

The closure of these alleys would give the applicant the flexibility to design a building that would improve the aesthetic and visual character of Sherman Avenue, Barry Place and 9th Street.

§909.8: Policy UD 2.1.2: Downtown Street and Block Patterns

Maintain a fine grained pattern of Downtown blocks, street and alleys, with intersections and frontages that encourage pedestrian movement and reduce the potential for immense variations in scale and "fortress-like" office buildings (see Figure 9.8 [Superblock Versus Fine-Grained Street and Development Patterns §909.13]).

The closure would have no impact on this policy objective.

§913.6 Policy UD 3.1.9: Street Closures

Strongly discourage the closure of streets for private ownership or use. Any request for street closure should be reviewed in terms of the resulting impacts on vehicular and pedestrian circulation, access to private property, emergency access and fire protection, view obstruction, loss of open space, building scale, and other factors.

No street closure is involved.

The major impact from a land use and physical character aspect would be that the alley closings would permit the construction of one building with a single point of loading and parking ingress/egress. Therefore, the proposed alley closings should have no resulting adverse impacts on vehicular and pedestrian circulation.

§ 1700 Mid-City Element

Policy MC-1.1.3: Infill and Rehabilitation Encourage redevelopment of vacant lots and the rehabilitation of abandoned structures within the community, particularly along Georgia Avenue, Florida Avenue, 11th Street, and North Capitol Street, and in the Shaw, Bloomingdale, and Eckington communities. Infill development should be compatible in scale and character with adjacent uses. 2008.4

The existing buildings and the parking lot would be demolished and replaced with a new development that would provide housing needs for families of varying incomes and sizes. The density would be not inconsistent with the Future Land Use Map. The Applicant has committed to providing 8% of the total units as IZ units and an additional 9 of the 59 units dedicated for

Howard University faculty and staff would be affordable units. The proposed retail uses would be neighborhood serving.

B. Housing Linkage

No linkage is required as the majority development on the site would be residential, with 27 inclusionary zoning units and 9 affordable units to be provided.

C. 24 DCMR Chapter 14 Requirements

The alley closing regulations require submission of a plan so that reviewing agencies can determine the potential impact of the requested closing. 24 DCMR §1400.8 requires the plan to cover items including:

- (f) *The approximate gross floor areas intended for various uses such as retail, office, residential, industrial, and commercial;*
- (g) *The points of ingress and egress that vehicles will use for parking or loading purposes;*
- (h) *The location of off-street parking spaces and their number and size;*
- (i) *The location and size of loading and unloading facilities such as berths, docks, and platforms;*
- (j) *A Tracking diagram for the maximum size trucks intended to use the loading and unloading facilities;*
- (k) *Elevation views for each side of any building proposed for the site.*

The PUD application, including the proposed parking and loading scheme and general vehicular circulation patterns has been provided and reviewed in detail in ZC Case 14-21.

IV. CONCLUSIONS

The alley closings would permit the construction of one larger and more efficiently designed building, including modern retail space on the ground floor and new residential units above in support of that retail. The information provided by the applicant is adequate to meet the requirements of Section 1400.8, for a project at this stage of its design development.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION OFFICE
OFFICE OF PLANNING



MEMORANDUM

TO: Roland Dreist, Office of the Surveyor

SUBJECT: Proposed Alley Closure; Square 2882 (S.O. 14-21729)

DATE: February 10, 2015

Thank you for contacting the DC Historic Preservation Office regarding the revised plans for the above-referenced closures. We appreciate the opportunity to review this action. However, § 9-202.02(4) of the D.C. Code only requires the Mayor to refer applications "to close any street located on the L'Enfant Street Plan" to the Historic Preservation Review Board. We have no comment on this proposed action since this closure involves an alley rather than a street.

BY:

A handwritten signature in black ink, appearing to read "Andrew Lewis", is written over a horizontal line.

C. Andrew Lewis
Senior Historic Preservation Specialist
DC State Historic Preservation Office

15-0072



C.D. 14-21729 ✓

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor of the District of Columbia
Attention: Diana Dorsey Hill

FROM: Paul Walker
Architect (Construction Inspector)

DATE: February 10, 2015

SUBJECT: Department of Housing and Community Development Review comments on
Alley closing application Square 2882

The Department of Housing and Community Development (DHCD) has reviewed the above referenced alley closing Square 2882 bounded by Euclid Street, NW to the north, Private property to the east, Barry Place N.W to the south, and Sherman Avenue, N.W to the west. Based on the information provided, DHCD currently have no facilities in conflict with the area shown and have no objection to the alley closing.

Sincerely

Paul Walker

DFD,

Department of Housing and Community Development

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



MEMORANDUM

TO: Roland F. Dreist Jr.
District of Columbia Surveyor

FROM: Tony L. Falwell *TLF*
Asst. Chief Fire Marshal
DCFEMS Office of the Fire Marshal

DATE: February 24, 2015

SUBJECT: Surveyor's Office File No. S.O. 14-21729

This written correspondence is being forwarded to your office to address **SO File No. 14-21729** that was submitted to the FEMS Office of the Fire Marshal (Fire Prevention Division) for review. The request involves a proposed closing of a public alley in **Square 2882**. The alley is bounded by Euclid Street NW to the north, private property to the east, Barry Place NW to the south, and Sherman Avenue NW to the west.

Based on FEMS review, the following findings are being brought forth: The FEMS Office of the Fire Marshal has no objection to this request being approved if the following requirements are adhered to: 1.) No Existing FD connections and fire hydrants can be obstructed/ blocked in a way that will prevent emergency access. 2.) Fire access to the adjacent properties, lots, and squares is not compromised and is maintained in accordance with Chapter 5, Fire Service Features, and Section 503 "Fire Apparatus Access Roads" in the 2012 International Fire Code.



A PHI Company

Pepco Engineering – D.C.
Building #59
3400 Benning Rd., NE
Washington, DC 20019
(202) 388-2602
Fax (202) 388-2721

February 24, 2015

Mr. Roland F. Dreist, Jr.
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
3rd Floor
Washington, DC 20024

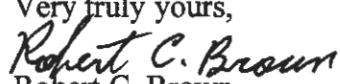
Dear Mr. Dreist:

Subject: Proposed Closing of Public Alley in Square 2882 - S.O. 14-21729

In response to your memorandum dated February 4, 2015 concerning the subject proposed closing, we comment as follows:

We have reviewed the documents showing the proposed alley closing and we have determined that Pepco does not have any facilities in the portion of the alley to be closed. However, there are DC owned streetlights in the alley. Square 2882 is bounded by Euclid Street, NW to the north, private property to the east, Barry Place NW to the south, and Sherman Avenue, NW to the west. Therefore, Pepco has no objection to the proposed closing of the portion of the alley in Square 2882.

If you have any question about Pepco's facilities, please call me on (202) 388-2602 or contact by e-mail at rcbrown@pepco.com.

Very truly yours,

Robert C. Brown
Sr. Supervising Engineer

Network Engineering
OPPE MD/DC



13101 Columbia Pike, FDC 1
Floor 1
Silver Spring, MD 20904

March 23rd, 2015
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW.
Washington, D.C. 20024

RE: Proposed Closing of a Public Alley in Square 2882 – S.O 14-21729

Dear Mr. Dreist:

In reference to your letter dated March 18th, 2015 which relates to S.O. File No. 14-21729

Location: Closing of a Public Alley in Square 2882

The telephone plant in this area consists of Telephone cable and Telephone Pole.

Verizon Washington D.C. Inc. withdraws its objections to this Proposed Closing of a Public Alley.

Very truly yours,

Kenneth Young
Engineer, Outside Plant Engineering, WSAM

Kdy

c.c. D.C.D.O.T. Underground Location Section
Area Engineer
File

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Leila Batties
(202) 419-2583
leila.batties@hklaw.com

March 18, 2015

VIA ELECTRONIC MAIL

Kenneth D. Young, Engineer
Outside Plant Engineering - WSAM
Verizon
13101 Columbia Pike, FDC 1
Silver Spring, MD 20904
Kenneth.d.young@verizon.com

**Re: S.O. 14-21729
Alley Closing in Square 2882**

Dear Mr. Young:

This letter is in response to your correspondence dated February 26, 2015, a copy of which is attached.

The Applicant for the above-referenced alley closing agrees to do one of the following upon final redevelopment plans in return for Verizon removing its objection dated February 26, 2015, filed with the Office of the Surveyor for this alley closing application: (1) provide Verizon with an easement to permit the existing telephone plant to remain in its present location as referenced in the attached objection letter; or (2) effectuate the relocation of Verizon's plant and feeders or fully reimburse Verizon for such relocation, as referenced in the attached objection letter.

The Applicant notes that there are no existing Verizon customers that will be affected by these actions, since the Applicant controls and is redeveloping the six row dwellings (2317, 2319, 2321, 2323, 2325, and 2327 Sherman Avenue, N.W.) and the commercial building (907 Barry Place, N.W.) that were previously served by the Verizon facilities.

In light of the foregoing, we respectfully request that Verizon issue a letter of no objection for the proposed alley closing. Thank you for your help in this matter. Should you have any questions, please do not hesitate to contact Jessica Bloomfield (202-469-5272) or me.

Sincerely,



Leila M. Jackson Batties

Attachment

cc: Rick Dreist, D.C. Surveyor
Charles Frazier, Barry Place Partners, LLC
Jessica R. Bloomfield, Esq.

(Via Hand Delivery; w/attachment)
(Via E-Mail; w/attachment)
(Via E-Mail; w/attachment)

Network Engineering
OPPE MD/DC



Floor 1
Silver Spring, MD 20904

February 26th, 2015
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW
Washington, D.C. 20024

RE: Proposed Closing of Alley in Square 2882 S.O 14-21729

Dear Mr. Dreist:

In reference to your letter dated February 4th, 2015 about Proposed Closing of a Public Alley in Square 2882

Location: Square 2882

Verizon Washington D.C. Inc. objects to the proposal unless one of the two following are done:

☐ Service is no longer required in the Square.

☒ An easement will be provided, and paid for by the owners with metes and bounds description with a plat and all documentation necessary to record the easement to permit existing telephone plant to remain in its present location subject to Verizon approval.

☒ Verizon is fully reimbursed for relocating its plant and feeders. Alley/Street closing will not take place until these facilities are completely relocated and permanent services restored fully to all customers affected by the move.

☐ Telephone cables and terminals are cut off and abandoned.

Very truly yours,

Kenneth D. Young
Engineer, Outside Plant Engineering, WSAM

KDY

c.c. D.C.D.O.T. Underground Location Section
Area Engineer
File



6801 Industrial Road
Springfield, Virginia 22151

February 20, 2015

Mr. Roland Driest
Atten. Diana Dorsey Hill
Department Of Consumer and Regulatory Affairs
Building and Land Regulations Administration
Office of The Surveyor
Washington , D.C. 20002

Dear Mr. Roland Driest

RE: Proposed Closing of a Public Alley in Square 2882 – S.O. 14-21729

We have no facilities in conflict with the area as shown and have no objection to the closing of public alley Square 2882.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Banks", written over the printed name.

Robert Banks
Digitizer / Draftsman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 1B



80.
14-21729

2000 14 STREET, NW
SUITE 100B
WASHINGTON, DC 20009

March 24, 2015

Mr. Anthony J. Hood, Chairperson
Zoning Commission of the District of Columbia
441 4th Street, N.W., Suite 210 South
Washington, D.C. 20001

COMMISSIONERS

BRIAN FOOTER
1b01@anc.dc.gov

ELLEN SULLIVAN
1b02@anc.dc.gov

SEDRICK MUHAMMAD
1b03@anc.dc.gov

VACANT
1b04@anc.dc.gov

NICOLAS FERREYROS
TREASURER
1b05@anc.dc.gov

DYANA FORESTER
1b06@anc.dc.gov

JESSICA SMITH
SECRETARY
1b07@anc.dc.gov

MARK RANSLER
1b08@anc.dc.gov

JAMES A. TURNER
CHAIR
1b09@anc.dc.gov

ALLYSON CARPENTER
1b10@anc.dc.gov

ROBB HUDSON
VICE-CHAIR
1b11@anc.dc.gov

JOHN GREEN
1b12@anc.dc.gov

RE: Cases 11-15D and 14-21: Howard Central Campus Plan Amendment and Barry Place Partners Planned Unit Development

Dear Chairman Hood:

At its regularly scheduled meeting, postponed from Thursday, March 5, 2015 to Tuesday, March 10, 2015 due to inclement weather and the closure of the District of Columbia government, (notice of which was properly given and at which a quorum of ten of eleven members was present), Advisory Neighborhood Commission 1B voted unanimously (10-0) to support: the Howard University Central Campus Plan Amendment in Case No. 11-15D; the Barry Place Partners Planned Unit Development in Case No. 14-21; and the related Alley Closing Application proposed for Square 2882, Lots 742-769, 1034, 1038 and 1039.

The Commission's support is conditioned on the delivery of the following community benefits:

Affordable Housing

The Applicant shall devote 8% of the residential gross floor area for households with incomes that do not exceed 80% of the area median income ("AMI"). The mix of affordable units for the project will include at least four two-bedroom units. In order to address concerns about the supply of affordable units for families and depth of affordability, the Applicant shall reserve all of the two bedroom units for households with incomes not exceeding 60% AMI. The remainder of the affordable units will include a mix of studio and one bedroom units for households not exceeding 80% AMI. Notwithstanding any change in the mix of units for the PUD, the Applicant shall provide a minimum of four two-bedroom units for the PUD at 60% AMI and an additional 23 units at 80% AMI. The mix and placement of the affordable units shall comply substantially with the approved plans for the PUD.

Housing for Howard Faculty and Staff

The Applicant and the University shall enter into an agreement whereby the Applicant is obligated to set aside no less than 59 units for lease by Howard University faculty and staff before offering the units to the general market.



(202) 481-3462

1b@anc.dc.gov



@ANC1B



ZONING COMMISSION
District of Columbia
facebook.com/ANC1B
CASE NO. 14-21
EXHIBIT NO. 32

GOVERNMENT OF THE DISTRICT OF COLUMBIA ADVISORY NEIGHBORHOOD COMMISSION 1B

At least nine of the units will be set aside as affordable units. These nine units represent approximately 3% of the overall gross residential floor area for the project, and will be in addition to the affordable units required under the Zoning Regulations. The mix of affordable units reserved for Howard will include at least 2 two-bedroom units for households with incomes not exceeding 60% AMI. The remainder of the units will be a mix of studios and one bedrooms for households with incomes not exceeding 80% AMI.

Job Training

During the operation of the project, the Applicant, through the Refrigeration Supply Company, shall provide training for EPA Type 1 CFC Certification, which is required to become an HVAC Technician. Over a five-year period, provide training for at least 50 persons, who reside in proximity to the PUD site.

The Applicant shall advertise the training program through the Pleasant Plains Civic Association, the Single Member District Representative for ANC 1B-11 and other neighborhood communications networks. Before the issuance of a building permit for the project, the Applicant shall submit to the Zoning Commission an agreement with a job training organization that details the process for accepting and processing applications.

Sustainable Design Elements

The Applicant shall develop the resulting PUD in a manner that will achieve the equivalent of LEED Gold.

The Applicant shall develop the project with an extensive 29,000 s.f. green roof that covers 76% of the roof area. Together with the other planted areas in the project, such as the courtyard and the hydroponic garden on the upper floor of the roof tower, the site will filter and store storm water for re-use on the project.

Transportation

The Applicant shall implement a Transportation Demand Management (TDM) plan with strategies to limit the need for and use of vehicles at the proposed residential building. The TDM plan will include:

- A member of the property management team will be designated as the Transportation Management Coordinator (TMC). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual.
- Information on and/or links to transportation programs and services will be provided on the property management website. Such programs and services may include:
 - Capital Bikeshare,
 - Car-sharing services,
 - Uber,
 - Ridescout,



GOVERNMENT OF THE DISTRICT OF COLUMBIA ADVISORY NEIGHBORHOOD COMMISSION 1B

- Commuter Connections Rideshare Program,
 - Commuter Connections Guaranteed Ride Home,
 - Commuter Connections Pools Program,
 - DDOT's DC Bicycle Map,
 - Nearby Bicycle vendors and service providers,
 - goDCgo.com, and
 - WMATA.
- An electronic display will be provided in a common, shared space in the building and will provide public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital BikeShare locations indicating the number of bicycles available at each location.
 - Convenient and covered secure bike parking facilities will be provided with storage for a minimum of 107 bicycles.
 - At the initial occupancy of each unit, the Applicant will provide a one year Capital BikeShare membership or the registration fee for Car2Go, which would give each resident who chooses the Car2Go option a lifetime membership to Car2Go since it does not have an annual membership fee.
 - The residents will make a minimum of 10 bicycle helmets available for use.

Improvements to Community Recreation Space

The Applicant shall meet with the Single Member District Representative for ANC 1B-11 and the residents of the LeDroit Park Apartments and the Garfield Terrace Apartments in order to outline improvements for the community rooms in the respective buildings. The improvements will be made, installed, or constructed at the sole expense of the Applicant.

Prior to the issuance of a building permit for the PUD, the Applicant shall enter into agreements with the DC Housing Authority for the improvement of the community room at the LeDroit Park Apartments located at 2125 4th Street, NW, and for the improvement of the top floor community room at the Garfield Terrace Apartment located at 2301 11th Street, NW, respectively.

Site Planning and Efficient and Economical Land Utilization

The Applicant shall redevelop the site with a new mixed-use project that includes market and affordable residential units and retail uses. The building will have frontages on three streets – Sherman Avenue, Barry Place, and 9th Street – and will activate all of the frontages with retail uses along Sherman Avenue and residential units with direct street access along Barry Place and 9th Street. Additionally, at the corner of Sherman Avenue and Barry Place, the long expanses of glass on each level of the building will afford eyes on the street and allow views into the building. Parking, loading and trash collection areas shall be internal to the building and be accessed from one entrance with activities internal to the building. The building will encircle an internal court that provides a pool, seating and landscaped areas for the enjoyment of the residents.





GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 1B

We ask that the Zoning Commission give great weight to ANC 1B's support and conditions regarding the Howard University Central Campus Plan Amendment and the Barry Place Partners Planned Unit Development.

ON BEHALF OF THE COMMISSION,

James A. Turner
Chair ANC1B, Commissioner 1B09

Jessica Laura Smith
Secretary ANC1B, Commissioner 1B07



(202) 481-3462



@anc.dc.gov



@ANC1B



facebook.com/ANC1B



401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel 202 482.7200 Fax 202.482.7272 www.ncpc.gov

A.O. 14-21729

Commission Members

Presidential Appointees

L. Preston Bryant, Jr., Chairman

Elizabeth A. White

Mayoral Appointees

Arrington Dixon

Robert E. Miller

Ex Officio Members

Secretary of Defense

The Honorable Charles Hegel

Secretary of the Interior

The Honorable Sarah Jewell

Administrator

General Services Administration

The Honorable Daniel Tangherlini

Chairman

Committee on Homeland Security

and Governmental Affairs

United States Senate

The Honorable Thomas R. Carper

Chairman

Committee on Oversight

and Government Reform

U.S. House of Representatives

The Honorable Darrell Issa

Mayor

District of Columbia

The Honorable Vincent C. Gray

Chairman

Council of the District of Columbia

The Honorable Phil Mendelson

Executive Director

Marcel C. Acosta

**IN REPLY REFER TO:
NCPC FILE No. 7646**

MAR 10 2015

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

Dear Chairman Mendelson:

Pursuant to delegations of authority adopted by the Commission on October 3, 1996, I found that the proposed alley closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW, would not be inconsistent with Comprehensive Plan for the National Capital. A copy of the Delegation Action of the Executive Director is enclosed.

Sincerely,

**Marcel C. Acosta
Executive Director**

Enclosure

**cc: Mary Cheh, Chairman, Committee on Transportation and Environment
Vincent Orange, Chairman, Committee on Business, Consumer and
Regulatory Affairs
Eric Shaw, Acting Director, DC Office of Planning
Frederick Lindstrom, Commission of Fine Arts
Roland F. Dreist, Jr., Surveyor, DC**



Delegated Action of the Executive Director

PROJECT
Alley Closing in Square 2882 (S.O. 14-21729)
Sherman Avenue and Barry Place, NW
Washington, DC

NCPC FILE NUMBER
7646

NCPC MAP FILE NUMBER
32.10(44.00)44105

SUBMITTED BY
District of Columbia Department of Consumer
and Regulatory Affairs,
Office of the Surveyor

ACTION TAKEN
Approval of comments to the
Council of the District of Columbia

REVIEW AUTHORITY
Approval of Comments to the
Council of District of Columbia on
Street and Alley Closings
per DC Code § 9-202.02

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments on the closure of an alley system located in Square 2882. The Square is bound by Euclid Street, NW to the north, private property to the east, Barry Place, NW to the south, and Sherman Avenue, NW to the west.

Per the Applicant's materials submitted to the Office of Surveyor, the portion of the alley to be closed is located in the southwest portion of the Square; it contains approximately 5,367 square feet of land area. The alley was dedicated in 1912 by the property owner at the time for access to subdivided lots on the square. The alley is 15 feet wide and runs east-west from 9th Street with two legs extending north. The alley does not have any DC Water or Washington Gas Lines. The closure of the alley will not disrupt the public alley system and will not interfere with access to or from any other development in the square or any other alley segments.

The Applicant proposes to close the alley to allow redevelopment of Lots 742-769, 1034, 1038, and 1039 in Square 2882. The redevelopment project proposes to construct a six-story, mixed-use building that will contain approximately 237,611 square feet of residential space with approximately 319 dwelling units and approximately 11,517 square feet of ground floor retail along Sherman Avenue, NW.

There are no federal properties near Square 2882 with the potential to be affected by the alley closing, and the proposed alley closing is not inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital.

The Coordinating Committee reviewed the proposal at its February 11, 2015, meeting. The Committee forwarded the proposed public alley closure to the Commission with the statement that the proposal has been coordinated with all participating agencies, with the exception of the District of Columbia Office of Planning and the District Department of Transportation. These two agencies

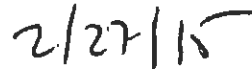
continue to work with the Applicant on design details of the proposed redevelopment project planned for the site of the proposed alley closing and adjacent properties. The participating agencies were: NCPC; the District of Columbia Office of Planning; the DC Historic Preservation Office; the District Department of Transportation; the District of Columbia Fire and Emergency Medical Services, the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

* * *

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and DC Code § 9-202.02, I find that the proposed alley closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW, would not be inconsistent with the Comprehensive Plan for the National Capital.



Marcel Acosta
Executive Director



[Date]


GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Public Works



Solid Waste Management Administration
Street and Alley Cleaning Division

MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor, D.C.

FROM: Anthony Duckett 
Chief Street & Alley Cleaning Division

SUBJECT: Proposed closings of public Alley

Date: March 19, 2015

The following Alley closing was investigated for review:

Square -2882- S.O. 14-21729

The Department has reviewed the proposed closing, at this time we have no objection to the closing of Square -2882- S.O.14- 21729.

If you have any questions please call me at 202-727-2539.

Testimony Before the Council of the District of Columbia
On Closing of a Public Alley in Square 2882, S.O. 14-21729
Bill 21-424
By Charles Frazier
Barry Place Partners, LLC & Gateway Investment Partners

Good morning Chairman Mendelson, Members of the Council and Staff:

I am Charles Frazier of Gateway Investment Partners, developer representative for Barry Place Partners, LLC and its planned mixed-use apartment project located at 907 Barry Place, N.W. I am here today to provide testimony in support of Bill 21-424 that if approved, closes the public alley which was created in 1912 by subdivision to serve its adjacent lots.

Please allow me the opportunity to introduce our team members before you, Ms. Maybelle Bennet, the Community Association Director for Howard University, Ms. Leila Batties, land use counsel with Holland and Knight, Ms. Janene Jackson, legislative counsel with Holland and Knight and last but not least, Mr. Steve Gresham, architect with Niles Bolton Associates.

This legislation will enable the transformation of lower Sherman Avenue from a vacant warehouse, six town homes in various states of repair, and thirty residential lots which have sat vacant for over 25 years into the vibrant, 319 unit proposed apartment project which includes 11,517 sf of planned neighborhood serving retail. With significant stakeholder input, our team began designing a project that was guided by the collective desire to build a mixed-use residential project that created, connected and enhanced the community. That connectivity included the physical connection across the alley. As you see in the diagram of the surrounding parcels, the only property owners which access this unimproved alley are Howard University and Barry Place Partners, LLC. This dead-end alley does not currently provide any use to anyone else.

Both Howard University and Barry Place Partners are united in the belief that redevelopment of our site, including the alley, would not only beautify the area by removing blighted and vacant parcels, but also create a safer environment for the Howard University family, its surrounding communities, and those that utilize Sherman Avenue. These attributes are in addition to the increased annual property taxes after the project is completed. The following summarizes the robust community benefits and amenities achieved working with the various community and civic organizations:

1. 12% of the units will be affordable where only 8% is required under the Inclusionary Zoning Regulations, and we are providing more larger units and deeper affordability levels than what is required:

- A minimum of six, two-bedroom units at 60% AMI, two of which will be reserved for Howard University faculty, staff or professional/graduate students.
 - A minimum of 30 units at 80% AMI, seven of which will be reserved for Howard University faculty, staff or professional/graduate students.
2. In addition to the housing at 60% and 80% AMI, no less than fifty units reserved for Howard University faculty, staff and professional/graduate students
 3. Meet or exceed LEED Gold Certification
 4. A 29,000 sf Green Roof
 5. 50 job training scholarships for HVAC technicians in EPA Type I, II, III, IV and Universal Certifications, for residents of ANC 1B
 6. Remodeled recreation spaces in Garfield Terrace Apartments & LeDroit Park Apartments

The extent of these benefits and amenities would not be possible on the fragmented individual lots, or without the alley closure. In addition to Howard University as landlord, please allow me to highlight the 50 reserved housing units structured to support the recruitment and retention of talented research faculty and staff, which would reside in the District.

On behalf of all stakeholders I respectfully request your expedited consideration, and that Bill 21-424 be placed on your January 5th Legislative Meeting agenda so that construction can begin as soon as possible. Such accommodation will accelerate the faculty housing component to serve its purpose in the August 2017 academic year, instead of August 2018.

Thank you for the opportunity to testify before you and for your consideration. I am available to answer any questions you may have following our team members' testimonies.

**Testimony Before the Council of the District of Columbia
On Closing of a Public Alley in Square 2882, S.O. 14-21729
Bill 21-424**

**By Maybelle Taylor Bennett
Director Howard University Community Association**

Good morning, Chairman Mendelson, Members of the Council:

My name is Maybelle Taylor Bennett, and I am Director of the Howard University Community Association.

I am pleased to appear before you in support of the alley closing application in Square 2882 submitted by Barry Place Partners, LLC. The University has worked closely with the development partners in recent years to achieve a project that will fulfill University objectives and city goals in a manner that also receives community support.

University Objectives

The campus master plan approved by the Zoning Commission in 2012 calls for the improvement and animation of the campus' westernmost edge along Sherman Avenue, and the project's 11, 517 square feet of retail and 319 residential units begins to fulfill this objective.

The availability of 59 units of housing for faculty, staff and graduate student use addresses a second objective of the campus master plan by providing residential space for University employees located closer to the central campus. The campus master plan's analysis revealed that only 7% of the University's faculty and staff lived in the area immediately surrounding the campus, and the plan's objective was to increase that percentage to at least 10%. The rental units provided in this project will reinforce the University's overall strategy to encourage housing options near campus for our faculty and staff. The closer the proximity of students to faculty the greater the potential for developing stronger mentoring relationships which research shows improves both academic performance and college retention rates. Additionally, the ability to offer faculty housing can be an important recruitment tool since the University recruits from around the country and abroad.

Partnership with an experienced development team allows the University to accomplish yet another one of its broader objectives as well, and that is to bolster its capacity to redevelop more of its underutilized parcels in order to expand and diversify its revenue streams.

City Goals

The Barry Place project contributes to the achievement of several city goals as well, not only in the overall economic benefit it affords the District of Columbia, but also in the provision of: 1) affordable housing; 2) 50 - \$10,000 scholarship awards in HVAC job training certification over a five year period targeted to area residents; and 3) improvements to the community rooms of the Garfield Terrace and LeDroit Park Seniors public housing developments. Additionally, the project is designed to achieve the equivalent of LEED gold in its sustainable design and encourage the use of alternative modes of transportation.

Community Support

The record in this case reflects the support that the community has given this project as evidenced by the letter from ANC 1B dated March 24, 2015.

In addition, no opposition to the alley closing was expressed by the Pleasant Plains Civic Association, the Georgia Avenue Community Development Task Force, or the residents of the ANC 1B11 single member district. All three groups witnessed multiple presentations describing the campus plan amendment, the planned unit development and the alley closing required to implement this development.

Finally, the University requests that this alley closing application be set for first reading on the Council's January 5, 2016 agenda, so that the timing within which the faculty and staff housing can come on line is in sync with the onset of the academic year 2017-2018.

I thank you for your attention to these comments, and I look forward to your affirmative decision.

December 16, 2015

Testimony of Stephen W. Gresham

regarding

Bill 21-424

the "Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act of 2015"

Chairman Mendelson, Councilmembers, Good morning.

My name is Steve Gresham. I am a Principal in the architectural firm of Niles Bolton Associates and a proud resident of Ward 3 in the District of Columbia.

The site we are discussing today lies on the north side of Barry Place, NW, between 9th Street and Sherman Ave. The area of the site is approximately 1.35 acres. There is a moderate slope to the land with the high point in the northwest corner and the low point in the southeast corner at the intersection of Barry Place and 9th Street. Presently there is a warehouse on the site facing Barry Place and 6 townhouses facing Sherman Avenue.

To the north there is a parking lot owned and used by Howard University, to the south across Barry Place is Howard Plaza Towers, which is student housing for Howard. To the west across Sherman Avenue is Garfield Terrace, a DC Housing Authority community including senior and family living. To the east, across 9th Street is the Banneker Recreation Center.

The site lies within the ANC 1B11 single member district. SMD 1B03 is across the street to the west.

The property has been rezoned to C-2-B with a Planned Unit Development.

The alley in question starts on 9th Street, just behind the warehouse property and runs west to the rear of the townhomes along Sherman, where it turns north and runs to the property line with the parking lot. At this termination point, the alley is about 4' above the level of the parking lot, so there is no through connection. The alley has a small stub that runs north behind vacant lots along 9th Street.

The alley is unpaved and has no "improvements," except for several telephone poles that serve the townhouses with telephone and cable TV.

Our proposed development is a six story mixed use building comprised of 319 residential units in approximately 237,000 sf, retail space of about 12,000 sf and a parking garage. The building is a contemporary design and includes a pool amenity courtyard in the center of the community above the parking garage. The community has robust resident facilities including a large two story fitness center, a yoga room, a clubroom with a demonstration kitchen, a business center with six study rooms, a sky terrace and a hydroponic room.

The residential units will include a mix of unit types from studios to two bedroom units and sizes from 430 sf to 1,368 sf. The unit mix is 84% studios and one bedroom units and 16% two bedrooms. The average unit size is 590 sf.

We are targeting a LEED Gold rating and are on track to achieve it. The LEED rating is achieved in part by a 26,000 sf green roof. According to DOEE's October 2015 inventory, this will be the 15th largest green roof in the District when built. We are using an advanced system where the water is filtered through water features and bioretention planters in the pool courtyard.

During the planning and design stages, we met multiple times with the neighbors, including ANC 1B and the ANC 1B Zoning, Preservation & Development Committee and the ANC 1B Transportation Committee and the two single member districts mentioned previously. We met with the Pleasant Plains and LeDroit Park Civic Associations, the Georgia Avenue Community Development Task Force and the Howard University Community Advisory Committee. Because the project required the amendment of the Howard University Campus Plan, we also met with ANC 5E and the Bloomingdale Civic Association. Because we listened and carefully considered their inputs, ALL of these groups have supported the development. This project will be a benefit to the community and the District of Columbia. I encourage you to help us by closing the alley.

Thank you.

PUBLIC ALLEY CLOSED SQUARE 2882

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

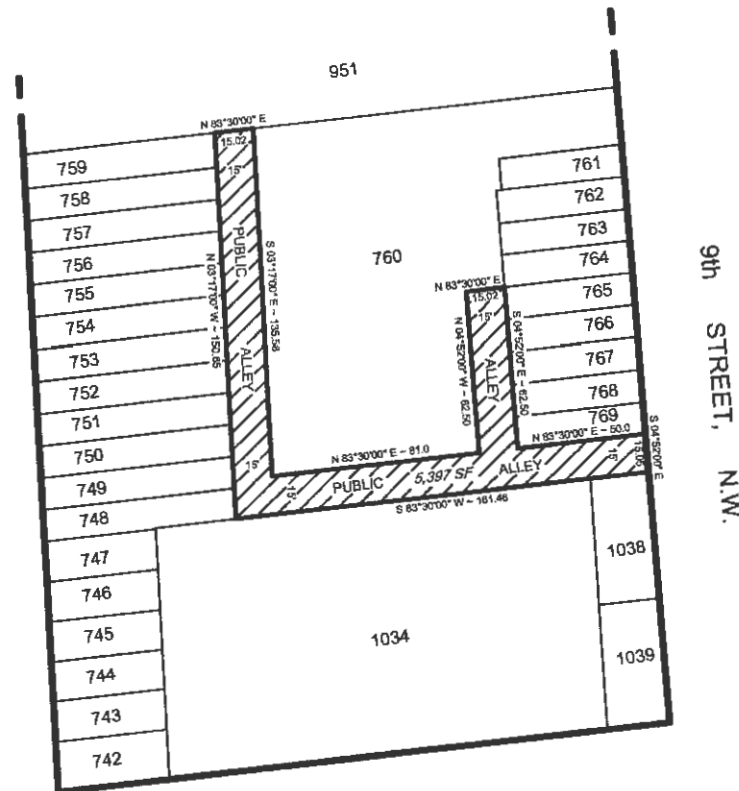
OFFICE OF THE SURVEYOR, D.C.

_____, 2015

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

SHERMAN AVENUE, N.W.



9th STREET, N.W.

BARRY PLACE, N.W.

SURVEYOR'S OFFICE, D.C.

Made for: LEILA BATTLES

Drawn by: L.E.S. Checked by: _____

Record and computations by: B. MYERS

Recorded at: _____

Recorded in Book _____ Page _____ SR-15-01396

Scale: 1 inch = 30 feet

File No. 14-21729



401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel 202 482.7200 Fax 202.482.7272 www.ncpc.gov

S.O. 14-21729

Commission Members

Presidential Appointees

L. Preston Bryant, Jr., Chairman
Elizabeth A. White

Mayoral Appointees

Arrington Dixon
Robert E. Miller

Ex Officio Members

Secretary of Defense
The Honorable Charles Hagel

Secretary of the Interior
The Honorable Sarah Jewell

Administrator
General Services Administration
The Honorable Daniel Tangherlini

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Thomas R. Carper

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Darrell Issa

Mayor
District of Columbia
The Honorable Vincent C. Gray

Chairman
Council of the District of Columbia
The Honorable Phil Mendelson

Executive Director
Marcel C. Acosta

**IN REPLY REFER TO:
NCPC FILE No. 7646**

MAR 10 2015

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

Dear Chairman Mendelson:

Pursuant to delegations of authority adopted by the Commission on October 3, 1996, I found that the proposed alley closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW, would not be inconsistent with Comprehensive Plan for the National Capital. A copy of the Delegation Action of the Executive Director is enclosed.

Sincerely,

**Marcel C. Acosta
Executive Director**

Enclosure

**cc: Mary Cheh, Chairman, Committee on Transportation and Environment
Vincent Orange, Chairman, Committee on Business, Consumer and
Regulatory Affairs
Eric Shaw, Acting Director, DC Office of Planning
Frederick Lindstrom, Commission of Fine Arts
Roland F. Dreist, Jr., Surveyor, DC**



Delegated Action of the Executive Director

PROJECT

Alley Closing in Square 2882 (S.O. 14-21729)

Sherman Avenue and Barry Place, NW
Washington, DC

NCPC FILE NUMBER

7646

NCPC MAP FILE NUMBER

32.10(44.00)44105

SUBMITTED BY

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

ACTION TAKEN

Approval of comments to the
Council of the District of Columbia

REVIEW AUTHORITY

Approval of Comments to the
Council of District of Columbia on
Street and Alley Closings
per DC Code § 9-202.02

The District of Columbia Department of Consumer and Regulatory Affairs, Office of the Surveyor, has requested comments on the closure of an alley system located in Square 2882. The Square is bound by Euclid Street, NW to the north, private property to the east, Barry Place, NW to the south, and Sherman Avenue, NW to the west.

Per the Applicant's materials submitted to the Office of Surveyor, the portion of the alley to be closed is located in the southwest portion of the Square; it contains approximately 5,367 square feet of land area. The alley was dedicated in 1912 by the property owner at the time for access to subdivided lots on the square. The alley is 15 feet wide and runs east-west from 9th Street with two legs extending north. The alley does not have any DC Water or Washington Gas Lines. The closure of the alley will not disrupt the public alley system and will not interfere with access to or from any other development in the square or any other alley segments.

The Applicant proposes to close the alley to allow redevelopment of Lots 742-769, 1034, 1038, and 1039 in Square 2882. The redevelopment project proposes to construct a six-story, mixed-use building that will contain approximately 237,611 square feet of residential space with approximately 319 dwelling units and approximately 11,517 square feet of ground floor retail along Sherman Avenue, NW.

There are no federal properties near Square 2882 with the potential to be affected by the alley closing, and the proposed alley closing is not inconsistent with the federal interests identified within the Comprehensive Plan for the National Capital.

The Coordinating Committee reviewed the proposal at its February 11, 2015, meeting. The Committee forwarded the proposed public alley closure to the Commission with the statement that the proposal has been coordinated with all participating agencies, with the exception of the District of Columbia Office of Planning and the District Department of Transportation. These two agencies

continue to work with the Applicant on design details of the proposed redevelopment project planned for the site of the proposed alley closing and adjacent properties. The participating agencies were: NCPC; the District of Columbia Office of Planning; the DC Historic Preservation Office; the District Department of Transportation; the District of Columbia Fire and Emergency Medical Services, the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

*

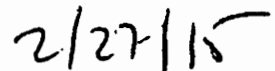
*

*

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and DC Code § 9-202.02, I find that the proposed alley closings in Square 2882, at the intersection of Barry Place and Sherman Avenue, NW, would not be inconsistent with the Comprehensive Plan for the National Capital.



Marcel Acosta
Executive Director



[Date]

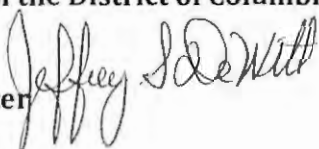
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 14, 2015

SUBJECT: Fiscal Impact Statement – “Closing of a portion of Public Alley in Square 5197, S.O. 11-4822, Act of 2015”

REFERENCE: Draft bill as given to the Office of Revenue Analysis on August 26, 2015

Conclusion

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Background

The bill authorizes the closing of a portion of the public alley system in Square 5197, at 5000 Nannie Helen Burroughs Avenue, N.E., which is adjacent to a single property: the Deanwood Rehabilitation and Wellness Center. The Center intends to consolidate its property there for future expansion.

Financial Plan Impact

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill. District executive agencies and utilities do not object to the closing of this alley space.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **February 2, 2016**
4
5
6

7 **A BILL**
8
9

10 Bill 21-424
11
12

13 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
14
15
16
17

18 To order the closing of a portion of a public alley system in Square 2882, bounded by Euclid
19 Street to the north, 9th Street to the east, Barry Place to the south, and Sherman Avenue to
20 the west, in Northwest Washington, D.C. in Ward 1.
21

22 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
23 **act be cited as the “Closing of a Portion of the Public Alley in Square 2882, S.O. 14-21729, Act**
24 **of 2016”.**

25 **Sec. 2. (a)** Pursuant to section 404 of the District of Columbia Home Rule Act, approved
26 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04) and consistent with the Street
27 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
28 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council of the District of Columbia finds the
29 portion of the public alley system in Square 2882, as shown on the Surveyor’s plat filed in S.O.
30 14-21729, unnecessary for alley purposes and orders it closed, with title to the land to vest as
31 shown on the Surveyor’s plat.

32 **(b)** The approval by the Council of this alley closing is contingent upon the satisfaction of
33 all conditions set forth in the official file for S.O. 14-21729 prior to the recordation of the alley
34 closing plat.

35 Sec. 3. Transmittal.

36 The Council shall transmit a copy of this act, upon its adoption, to the Office of the
37 Surveyor.

38 Sec. 4. Fiscal Impact Statement.

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

42 Sec. 5. Effective date.

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