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OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR
JAN 4 2018

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

Dear Chairman Mendelson:

Enclosed for consideration by the Council is a bill entitled the "Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Act of 2018", the accompanying emergency declaration resolution entitled "Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Declaration Resolution of 2018", the temporary act "Extension of Time to Dispose of 8th & O Streets, N.W., Temporary Act of 2018", and the permanent act "Extension of Time to Dispose of 8th & O Streets, N.W., Act of 2018".

This legislation will extend the time for the District to dispose of real property located at 1336 8th Street, N.W., ("Property") for the development of much needed for-sale affordable housing. Without this emergency action, the District's authority to dispose of the Property for the approved mixed-use development that will provide significant affordable homeownership opportunities will expire on February 2, 2018, at which time the District will be unable to move forward with the development of the site.

On February 2, 2016, the Council approved the "8th & O Streets, N.W., Disposition Approval Resolution of 2016 (D.C. Resolution R21-374; 63 DCR 1498) authorizing the disposition of the Property for a mixed-use development providing for residential, including both for-sale affordable housing and market rate housing, and retail uses (collectively, the "Project"). The selected development team of Roadside Development, LLC and Dantes Partners, LLC (collectively, the "Developer") has worked diligently to meet all deadlines set forth in the schedule of performance of the Land Disposition and Development Agreement ("LDA"), which was executed with the District on February 22, 2016.

The Developer has worked diligently on the pre-development activities; mobilized and submitted its District of Columbia Historic Preservation Review Board ("HPRB") application for the Project, which was required because the Property is in a historic preservation area; and successfully navigated the HPRB process and received conceptual approval for its plans, a key pre-condition to submitting a Planned Unit Development ("PUD") application to the Zoning Commission.

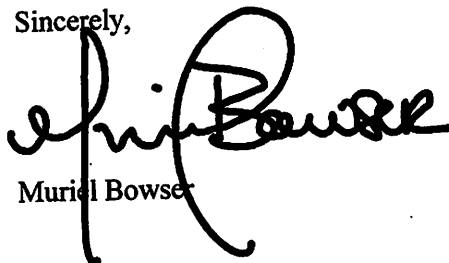
Despite the best efforts of DMPED and Developer, review and approval by the Zoning Commission of the required PUD has taken substantially longer than projected at the time of LDA execution. The final PUD order was published November 10, 2017. The schedule of performance of the LDA requires the Developer to submit building permits 180 days after the PUD order is final, which would be after the expiration of authority granted by the 8th and O Streets, N.W. Disposition Resolution. On December 6, 2017, an appeal of the Zoning Order was filed by DC for Reasonable Development ("Petitioner"), which will delay the project from moving as the appeals process is litigated. DMPED and the Developer had waited to see whether an appeal would be filed, prior to moving forward with a Resolution to extend the disposition authority for the project.

At this time, as the disposition authority expires on February 2, 2018, and given the project was appealed as of December 6, 2017, it is necessary to submit emergency legislation to extend the Mayor's disposition authority while the permanent extension is pursued through the Council process. The Mayor's authority to dispose will be extended by two years to February 2, 2020. DMPED and Developer have advanced the Development as far as possible while awaiting final approval of the PUD and publication of the final order. The Developer will not be able to satisfy its conditions precedent to closing, pursuant to the LDA. DMPED and the Developer require time beyond the authority granted by the 8th and O Streets, N.W. Disposition Resolution to dispose of the Property.

Included with this legislation is a status report detailing the reasons for the inability of the District to dispose of the Property within the 2-year time authorized by the 8th & O Streets, N.W. Disposition Resolution, as required under D.C. Official Code §10-801(d).

As always, I am available to discuss any questions you may have regarding these bills. I look forward to a prompt and favorable consideration of these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with a large initial "M" and "B".

Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

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A Bill

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399.

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

That this act may be cited as the “Extension of Time to Dispose of 8th & O Streets, N.W., Temporary Act of 2018”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-10) to read as follows:

“(d-10) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399 for a mixed-use development providing for affordable housing, residential and market rate housing, and retail, and any ancillary uses allowed under applicable law, pursuant to the 8th & O

35 Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016
36 (D.C. Resolution R21-374; 63 DCR 1498), and section 3 of this Act, is extended to
37 February 2, 2020.”

38 Sec. 3. Consistent with the intent of section (d), of An Act Authorizing the sale of
39 certain real estate in the District of Columbia no longer required for public purposes,
40 approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), the Mayor
41 transmitted a detailed status report on efforts made to dispose of the Property, as well as
42 the reasons for the inability to dispose of the Property within the 2-year time period
43 authorized by the Disposition.

44 Sec. 4. Fiscal impact statement.

45 The Council adopts the fiscal impact statement prepared by the Chief Financial
46 Officer as the fiscal impact statement required by section 4a of the General Legislative
47 Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code
48 § 1-301.47a).

49 Sec. 5. Effective date.

50 (a) This act shall take effect following approval by the Mayor (or in the event of
51 veto by the Mayor, action by the Council to override the veto), a 30-day period of
52 congressional review as provided in section 602(c)(1) of the District of Columbia Home
53 Rule Act, approved December 24, 1973 (87 Stat, 788; D.C. Official Code § 1-204.12(a)),
54 and publication in the District of Columbia Register.

55 (b) This act shall expire after 225 days of its having taken effect

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division



MEMORANDUM


TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: December 7, 2017

SUBJECT: Extension of Time to Dispose of 8th & O Streets, N.W., Act of 2017
(Emergency, Temporary and Permanent Versions and Accompanying
Emergency Declaration Resolution)
(AE-17-678B)

This is to Certify that this Office has reviewed the legislation entitled the "Extension of Time to Dispose of 8th & O Streets, N.W., Act of 2017", the "Extension of Time to Dispose of 8th and O Streets, N.W., Temporary Act of 2017", the "Extension of Time to Dispose of 8th and O Streets, N.W., Emergency Act of 2017", and the "Extension of Time to Dispose of 8th and O Streets, N.W., Emergency Declaration Resolution of 2017", and found it to be legally unobjectionable. If you have any questions, please do not hesitate to call me at 724-5524.


Janet M. Robins

cc: Deborah George Johnson