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Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to extend the time allowed for the disposition 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Declaration Resolution of 2018”.

Sec. 2. (a) Pursuant to 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(d)), the Mayor transmitted to the Council a request for approval of additional time for the disposition of certain real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399 (the “Property”). The Council approved the disposition pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (D.C. Resolution R21-374; 63 DCR 1498) (the “8th & O Streets, N.W. Disposition Resolution”). The Property consists of approximately 13,306 square feet and is currently used as an unused surface parking lot. The 8th & O Streets, N.W.

31 Disposition Resolution authorizes the disposition of the Property for a mixed-use development
32 providing for affordable housing, residential and market rate housing, and retail uses
33 (collectively, the “Project”).

34 (b) In 2016, Council approved 8th & O Streets, N.W. Disposition Resolution to extend
35 the authority for the Mayor to dispose of the Property to February 2, 2018.

36 (c) The Office of the Deputy Mayor for Planning and Economic Development
37 (“DMPED”) conducted a thorough solicitation process and selected the development team of
38 Roadside Development, LLC and Dantes Partners, LLC (collectively, the “Developer”) to
39 redevelop the Property. The Developer has worked diligently to meet all deadlines set forth in
40 the schedule of performance of the Land Disposition and Development Agreement (“LDA”),
41 which was executed with the District on February 22, 2016. The Developer has worked
42 diligently on the pre-development activities related to the development of a mixed-use
43 development on the Property consisting of approximately 85 residential units, including 30%
44 affordable units, along with ground floor retail and community space. The Developer mobilized
45 and submitted its HPRB application for the Project, which was required as a result of the
46 Property being in a historic preservation area. The Developer successfully navigated the HPRB
47 process and received conceptual approval for its plans, a key pre-condition to submitting a
48 Planned Unit Development (“PUD”) application to the Zoning Commission.

49 (d) DMPED and Developer have adhered to all milestones contained in the Schedule of
50 Performance that accompanied the LDA, however despite the best efforts of DMPED and
51 Developer, review and approval by the Zoning Commission of the PUD required for the

52 Development has taken substantially longer than originally projected at the time of LDA
53 execution. DMPED and Developer have advanced the Development as far as possible while
54 awaiting final approval of the PUD and publication of the Zoning Order, however based on the
55 length of the PUD review and approval process, and the appeal of the Zoning Order filed
56 December 6th, 2017, meeting all conditions to Closing pursuant to the LDA will require
57 additional time beyond the initial disposition authority expiration date.

58 (e) Per the 8th & O Streets, N.W. Disposition Resolution the Mayor's authority to
59 dispose of the Property will expire on February 2, 2018. The Developer will not be able to satisfy
60 its conditions precedent to closing on the Property as provided in the LDA, to enable the
61 disposition of the property prior to the timeframe authorized by the Disposition Act.

62 (f) An extension of the disposition authority of two years to February 2, 2020 is
63 necessary to provide the Developer sufficient time to fulfill the necessary milestones required.

64 Sec. 3. The Council of the District of Columbia determines that the circumstances
65 enumerated in Section 2 constitute emergency circumstances making it necessary that the
66 Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Resolution of 2017 be
67 adopted on an emergency basis.

68 Sec. 4. This resolution shall take effect immediately.